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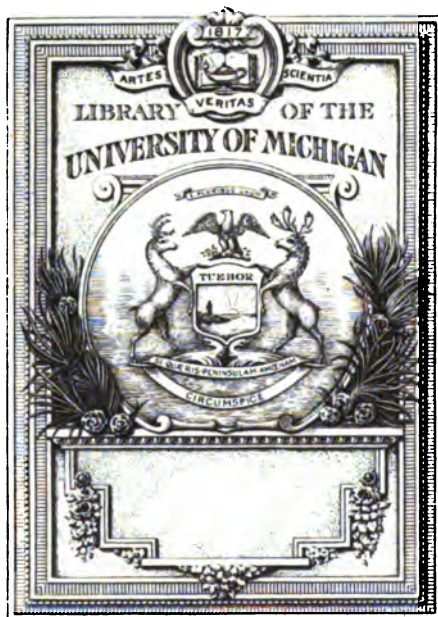
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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF MICHIGAN,
AT THE
ANNUAL SESSION OF THE LEGISLATURE FOR
1840.



DETROIT :
GEORGE DAWSON, STATE PRINTER.

1840.

Genesee, Shiawassee and Clinton.—Lemuel Castle.

Hillsdale.—Elisha P. Champlin.

Ionis, Kent and Ottawa.—Digby V. Bell.

Jackson.—Henry Acker and Henry B. Lathrop.

Kalamazoo.—David E. Brown and Joseph Miller.

Lapeer.—James W. Sanborn.

Lenawee.—James McDonald, Sirrell C. LeBaron, John M. Bird.

Livingston and Ingham.—Charles P. Bush and Amos E. Steele.

Mackinac.—Renben D. Turner.

Macomb.—DeWitt C. Walker, Samuel Axford and John Stockton.

Monroe.—Robert McClelland, James Mulhollan and Nelson Dunham.

Oakland.—Amnos Davis, John H. Button, Rollin Sprague, Daniel F. Ingalls Henry K. Foote and Daniel F. Johnson.

Saginaw.—Gardiner D. Williams.

St. Clair.—True P. Tucker.

St. Joseph.—John P. Cathcart.

Washtenaw.—Edward L. Fuller, Nathan Pierce, William S. Carr, George Renwick, Grove Spencer and Munnis Kenny.

Wayne.—Charles Moran, Joshua Howard, David E. Harbaugh, Andrew T. McReynolds, Henry T. Backus, William S. Gregory and John Forbes.

Messrs. Isaac G. Bailey, of St. Joseph, and David K. Underwood, of Lenawee, not appearing.

The oath of office was then administered to the members present, by the Chief Justice, Hon. Wm. A. Fletcher.

Mr. McClelland, from Monroe, offered the following resolution:

Resolved, That a committee of two be appointed to wait upon the Governor and inform him that the House is temporarily organized, and is ready to proceed to business.

The question being upon its adoption, Mr. Howard moved that the resolution be laid upon the table.

Mr. McClelland calling for the yeas and nays, the vote stood as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Acker, | Mr. Davis, | Mr. LeBaron, |
| Mr. Ashman, | Mr. Foote, | Mr. Lathrop, |
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bird, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Brown, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Howard, | Mr. Renwick, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cook, | Mr. Kenny, | Mr. Sprague, |
| Mr. Coleman, | Mr. Larue, | Mr. Tucker, |

26

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. Moran, | Mr. Walker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Dunham, | Mr. Steele, | |

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And the resolution was laid upon the table.

On motion of Mr. Harbaugh,

Resolved, That a committee of two be appointed to wait on the Senate and inform them that a quorum of the House of Representatives is present, organized and ready to proceed to business; and that the House is ready to meet the Senate in convention, in their hall, at such time as the Senate may appoint, to canvass the votes for Governor and Lieutenant Governor.

Whereupon, the Speaker announced Messrs. Harbaugh and Champlin as such committee.

A message from his Excellency Governor Mason, was announced by his private secretary, S. Humes Porter, Esq., and delivered to the speaker.

Mr. Backus offered the following resolution:

Resolved, That the clerk procure the printing of this House, to be executed at the office of the Daily Advertiser, until further ordered by this House, provided the expense shall not be greater than that provided for in the act to regulate state printing.

Mr. McClelland moved to strike out the proviso, and insert, "provided that the expense be not greater than it can be procured to be done at any other office in the city of Detroit."

Mr. Howard called for a division of the question.

Mr. McClelland called for the yeas and nays on the amendment, and the vote being taken, the same was lost as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Spencer, |
| Mr. Bell, | Mr. LeBaron, | Mr. Steele, |
| Mr. Bush, | Mr. McClelland, | Mr. Stockton, |
| Mr. Castle, | Mr. Moran, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Champlin, | Mr. McReynolds, | Mr. Walker, |
| Mr. Dunham, | Mr. Renwick, | Mr. Williams, |
| Mr. Gregory, | | |

22

NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Acker, | Mr. Davis, | Mr. Kenny, |
| Mr. Ashman, | Mr. Foote, | Mr. Larue, |
| Mr. Backus, | Mr. Forbes, | Mr. Lathrop, |
| Mr. Barbour, | Mr. Fuller, | Mr. McDonald, |
| Mr. Bird, | Mr. Hart, | Mr. Miller, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Button, | Mr. Howard, | Mr. Pierce, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Cook, | Mr. Johnson, | Mr. Sprague, |
| Mr. Coleman, | | |

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The question then being on the original resolution, Mr. Hammond offered the following amendment:

"Provided, also, that the clerk be directed to procure the printing at any other office in this city, if it can be procured to be done at less price than at the office of the Daily Advertiser."

The yeas and nays being called for, the same was lost by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. LeBaron, | Mr. Spencer, |
| Mr. Bell, | Mr. McClelland, | Mr. Steele, |
| Mr. Bush, | Mr. McDonald, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Moran, | Mr. Tucker, |
| Mr. Champlin, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Walker, |
| Mr. Gregory, | Mr. Renwick, | Mr. Williams, |
| Mr. Hammond, | | |

22

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Acker, | Mr. Coleman, | Mr. Johnson, |
| Mr. Ashman, | Mr. Davis, | Mr. Kenny, |
| Mr. Backus, | Mr. Foote, | Mr. Larue, |
| Mr. Barbour, | Mr. Forbes, | Mr. Lathrop, |
| Mr. Bird, | Mr. Fuller, | Mr. Miller, |
| Mr. Brown, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Cook, | | |

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The question being then taken on the original resolution, it was adopted.

On motion of Mr. Howard,

The House then took a recess for five minutes, at the expiration of which, the Speaker calling the House to order,

On motion of Mr. Renwick, the House adjourned until half past 10 o'clock, to-morrow morning.

Tuesday, January 7, 1840.

The House met pursuant to adjournment, and on the calling of the roll, the same members were present as yesterday.

Prayer by the Rev. Mr. Smith.

On motion of Mr. Turner,

Resolved, That the pastors of the several churches of this city be respectfully invited to open, with prayer, the daily sessions of this House.

Resolved, That a committee of three be appointed to wait upon the pastors of the several churches, and communicate to them the preceding resolution.

Whereupon the Speaker announced Messrs. Turner, Moran, and Backus, as such committee.

Senators Drake and Adam were announced as a committee from the Senate, informing the House that the Senate was organized and ready to proceed to business.

Mr. Cathcart announced the arrival of his colleague, Mr.

Bailey, from St. Joseph, who subscribed the oath of office and took his seat.

On motion of Mr. Champlin,

Messrs. Champlin and McClelland were appointed a committee to wait upon the Senate and inform them that the House were in readiness to receive them.

IN JOINT CONVENTION.

The Lieutenant Governor called the convention to order, and the Senators being called by the secretary, all were present except Senator McCamly, and on the call of the House of Representatives by the clerk, fifty-one members were present.

The Lieutenant Governor then announced that in pursuance of his constitutional duties, he would proceed to the canvass of the votes for Governor and Lieutenant Governor.

Whereupon, on motion of Mr. Harbaugh, of the House of Representatives, Senator Witherell, and Mr. McReynolds of the House, were appointed tellers, who, upon receiving and estimating the returns of votes from the several counties, made their report, and the Lieutenant Governor announced William Woodbridge as being duly elected Governor of the state, and James Wright Gordon as Lieutenant Governor, by the following vote:

| | |
|---|--------|
| William Woodbridge received for the office of | |
| Governor, | 19,070 |
| Elon Farnsworth, | 17,782 |
| | <hr/> |
| Majority for William Woodbridge, | 1,288 |
| James Wright Gordon, for the office of Lieutenant | |
| Governor, | 18,871 |
| Thomas Fitzgerald, | 17,512 |
| | <hr/> |
| Majority for James Wright Gordon, | 1,359 |

On motion of senator Summers, William Woodbridge, of the county of Wayne, and James Wright Gordon, of the county of Calhoun, were unanimously declared as duly elected Governor and Lieutenant Governor of the state of Michigan.

On motion of Senator Summers,

Senator Summers and Mr. Howard of the House of Representatives, were appointed a committee to wait upon the Governor and Lieutenant Governor elect, and inform them of their election, and that the convention were in readiness to induct them into office.

The Honorable William Woodbridge and the Honorable James Wright Gordon, were then presented to the convention, and subscribed to their respective oaths of office before the Chief Justice, Honorable William A. Fletcher, and his Excellency Governor Woodbridge delivered the following address:

*Fellow citizens of the Senate,
and House of Representatives:*

That is a wise provision of our fundamental law, which requires that the Representatives should meet at a fixed period each year, and consult together for the common good. In older states than ours, even, and in other and less changeful times, such a measure is full of wisdom. A general knowledge of the condition of public affairs is thus brought within the grasp of all. That tendency to abuse, to which all things human are subject, is thus placed, periodically, within the power of control; and the frequent recurrence to fundamental principles which such annual meetings of the chosen agents of the people naturally invites, tends eminently to secure the efficacy and preserve the purity of the government. But here, in a new country like ours, not yet reclaimed from its wilderness condition, where our local institutions have already proved imperfect and inadequate; where new interests are constantly arising to be protected and advanced; where new difficulties are occurring, to be obviated and overcome, and evils of an extraordinary character, both local and national, are pressing heavily upon us, such a provision seems indispensable. In an age like this, especially, so strongly marked by its love of change, by its novel experiments, its fanciful theories, and its fearful hypothesis, how eminently necessary it is, that the people, in the persons of their selected and honored agents, should be thus called together, that they may interchange their opin-

ious, and deliberate and act for the common good; that they may cautiously review the condition of our public affairs; that they may correct whatever may tend to evil in our existing establishments, and that they may devise the most appropriate means by which to elevate the character, promote the happiness, and foster and protect the best interests of the country!

Such are the benign purposes, gentlemen, for which you are now called together by our organic law. To aid you, in whatsoever degree it may please God to enable me to do in the attainment of purposes so beneficent, and so imposing, I also am honored by the commands of our common constituents. I approach this new theatre of action with promptitude, for such is my duty—but oppressed, as I feel myself, by the variety and importance of the obligations imposed upon me; by the responsibilities to God and to my country, which I thus assume, I approach it with that deep humility which becomes the occasion. Our fellow-citizens have confided in my honesty of purpose, gentlemen, and in yours. They have trusted in our energy, in our prudence, and in our wisdom; and thus confiding, they have placed, for a time, in our hands, the character, the well-being, and under the providence of God, the destinies of our young and interesting state. But generous and confiding as they are, they nevertheless expect much from us—and, for good or for evil, grave and lasting consequences will be anticipated from the manner in which we shall acquit ourselves of this high trust. Let us commence our interesting work, then, with a due sense of its importance—let us suppress all such local partialities and party animosities, as may seem unfriendly to the common good—and each in our prescribed sphere, and invoking the blessing of Providence upon our labors, with singleness of heart, seek to advance the moral and political prosperity of our common country.

It is a country dear to us all! and while we humble ourselves before the power of the merciful Ruler of all things, and, in sorrow, confess that the many evils, which, as a people and a nation, we endure, are brought upon us by our folly, fool-hardiness and sin, let us not cease to be grateful, for that our lot has

been cast in so fair a land, for that the benefits of christianity have been spread far and wide among us, that health has dwelt in our habitations, that our harvests have been gathered in so rich abundance, and that we are permitted to "sit down and reason together" concerning the improvement of the social, moral, and political institutions of the country, while peace and plenty rest upon our borders, and there are none to make us afraid. I am aware, gentlemen, that in its apportionment of powers, the constitution has not assigned it to the executive department to participate, directly, in the discussions, which may be incident to the business of legislation. To the matured wisdom and prudence of the Senate and House, it is peculiarly given, to settle as well the principles, as the details of all bills which may be before you; yet, to a certain extent, the Governor is also identified with your enactments, and his concurrence made necessary. The general remarks I have ventured to submit then, will not I hope be deemed obtrusive nor unwarrantable. The Governor, among other enumerated duties, is required to communicate to you "the condition of the State," and to recommend to you such measures "as he shall deem expedient." The circumstances under which I meet you, will render it impossible for me, at the outset, to acquit myself of either branch of this study, in any but a very imperfect manner. The true condition of the state can be ascertained only, as to most particulars at least, through information obtained from its principal officers, followed, perhaps, by a laborious examination of their respective departments. A demand for such information and scrutiny, would be sanctioned, only, on the part of the *constituted and recognized* organs of the State; in me hitherto, it would have been unauthorized and obtrusive. I must then obey the dictates of circumstances, and while I reserve for future and occasional communications, more exact views of the actual posture of our public affairs, and the recommendation of such specific measures as may be deemed appropriate. I must, at the moment of my induction, restrict myself to submit to considerations of a general character. These I am ready to submit to you whenever you may be

pleased to receive them. They may appear to you imperfect in conception, as they are deficient in detail. Without any official facilities, I could hardly hope to have made them so. But I have the consolation to remember, that while in the reports required by law to be made to you, you will find *certainly* substituted for conjecture, so, in the resources of your own intelligence and sound judgment, you will find an ample corrective for any crude thoughts or fallacies of mine.

There is, after all, gentlemen, an invisible hand which overrules the councils and conducts the affairs of men; with *Him*, the wisdom of man is as foolishness; but with his benediction upon our labors, which we ought humbly and fervently to implore, we may well hope that our efforts to ameliorate the condition and advance the best happiness of our country, may be crowned with signal success.

At the conclusion of the address, Mr. McClelland, of the House of Representatives, moved the adoption of the joint rules of the two houses until otherwise ordered.

Senator Hawkins moved to lay the resolution upon the table, which was adopted.

The convention then, on motion of Mr. Trowbridge, adjourned *sine die*.

DAN W. KELLOGG,

Secretary Senate, pro tem.

E. J. ROBERTS,

Clerk House Representatives, pro tem.

The House of Representatives were then called to order, and on motion of Mr. Howard, adjourned until to-morrow morning at 10 o'clock.

Wednesday, January 8, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, the same members were present as yesterday.

On motion of Mr. Backus,

Resolved, That the House do now proceed to the election of its permanent officers.

The Speaker, pro tem., called Mr. Howard to the chair, and resumed his seat in the House.

Mr. Harbaugh then nominated the Hon. Henry Acker, of Jackson, for the office of Speaker, and Mr. Stockton nominated the Hon. Robert McClelland, of Monroe.

The Clerk then calling the names of the Representatives, they severally rose in their places and voted as follows :

FOR HENRY ACKER,

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Lathrop, |
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bird, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Brown, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Howard, | Mr. Renwick, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cook, | Mr. Kenny, | Mr. Sprague, |
| Mr. Coleman, | Mr. Larue, | Mr. Tucker, |
| Mr. Davis, | Mr. LeBaron, | |

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FOR ROBERT M'CLELLAND,

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Dunham, | Mr. Stockton, |
| Mr. Bailey, | Mr. Hammond, | Mr. Turner, |
| Mr. Bell, | Mr. Mulholland, | Mr. Walker, |
| Mr. Bush, | Mr. Steele, | Mr. Williams, |
| Mr. Cathcart, | | |

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FOR GEORGE RENWICK,

Mr. Acker,

1

FOR CHARLES MORAN,

Mr. McClelland,

1

The Chair then announced the Hon. Henry Acker as duly elected Speaker of the House of Representatives.

On motion of Mr. McReynolds,

Messrs. Renwick and Brown were appointed a committee to conduct the Speaker to the chair, upon reaching which, the Speaker addressed the House as follows :

Gentlemen of the House of Representatives :

It is with no ordinary feeling of emotion that I enter upon the discharge of the responsible and arduous duties of Speaker of the House. We have come together, gentlemen, at a time when distress and great pecuniary embarrassment afflicts every part of our common country. The eyes of our constituents are turned upon us. Our action is looked for with intense anxiety. And we, gentlemen, shall disappoint public expectation, unless, in the spirit with which we have come together, we shall at once enter upon the discharge, and faithfully execute the duties upon which we have here assembled. The Chair can only say, that the duties devolving upon it, shall be discharged with all the ability it can command, with a devotion to the public interest and with an impartiality that it trusts will be appreciated. And, gentlemen, if I should not succeed in discharging satisfactorily the important duties of this honorable station, I have the satisfaction left me, of knowing that I have not sought its responsibilities or its honors. Upon your part, gentlemen, it is a free offering, and I accept in the spirit with which it is tendered, and I thank you, gentlemen, for this expression of your confidence. And, gentlemen, if I shall succeed in discharging, to your satisfaction, and with advantage to the public interest, the duties of this Chair, it will be for the reason that you extend to me your kind indulgence and generous aid. From the want of legislative experience, I shall need and shall expect your utmost forbearance; and should errors occur in the administration of your rules, or in the discharge of any of the duties that I shall be called upon to discharge, I cannot but believe that they will be attributed to the judgment rather than a wish to offend.

On motion of Mr. Harbaugh, the House proceeded to the election of Clerk.

Mr. Renwick nominated Mark Howard, of Washtenaw, and Mr. Bell nominated E. J. Roberts, of Wayne.

The vote being taken, it stood as follows:

FOR MARK HOWARD,

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Lathrop, |
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bird, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Brown, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Howard, | Mr. Renwick, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cook, | Mr. Kenny, | Mr. Sprague, |
| Mr. Coleman, | Mr. Larue, | Mr. Tucker, |
| Mr. Davis, | Mr. LeBaron, | Mr. Speaker, |

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FOR E. J. ROBERTS,

| | | |
|---------------|----------------|---------------|
| Mr. Axford, | Mr. Dunham, | Mr. Stockton, |
| Mr. Bailey, | Mr. Moran, | Mr. Turner, |
| Mr. Bell, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Bush, | Mr. Steele, | Mr. Williams, |
| Mr. Cathcart, | | |

13

FOR WILLIAM H. RUSSELL,

Mr. Hammond.

1

The House then proceeded to the election of an Enrolling and Engrossing Clerk.

Mr. Tucker nominated John D. Chamberlin, of St. Clair, and Mr. Dunham, Charles S. Adams, of Wayne.

FOR JOHN D. CHAMBERLIN,

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Lathrop, |
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bird, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Brown, | Mr. Hart, | Mr. Pierce, |
| Mr. Button, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Carr, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Champlin, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cook, | Mr. Kenny, | Mr. Tucker, |
| Mr. Coleman, | Mr. Larue, | Mr. Speaker, |
| Mr. Davis, | Mr. LeBaron, | |

35

FOR CHARLES S. ADAMS,

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Dunham, | Mr. Steele, |
| Mr. Bailey, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. Moran, | Mr. Walker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, |

15

Mr. Davis nominated Nathaniel I. Daniels, of Oakland, for Recording Clerk.

Mr. Hammond moved to postpone indefinitely the election of Recording Clerk, and the yeas and nays being called, it was lost by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bailey, | Mr. Cook, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Coleman, | Mr. Steele, |
| Mr. Bush, | Mr. Dunham, | Mr. Turner, |
| Mr. Carr, | Mr. Hammond, | Mr. Walker, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Williams, |
| Mr. Champlin, | | |

16

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Miller, |
| Mr. Axford, | Mr. Hart, | Mr. McReynolds, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Barbour, | Mr. Howard, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Brown, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Button, | Mr. Kenny, | Mr. Spencer, |
| Mr. Castle, | Mr. Larue, | Mr. Sprague, |
| Mr. Davis, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Foote, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, |
| Mr. Fuller, | | |

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The House then proceeded to the election of Recording Clerk, and the vote stood as follows:

FOR NATHANIEL I. DANIELS,

| | | |
|---------------|---------------|---------------|
| Mr. Ashman, | Mr. Foote, | Mr. LeBaron, |
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, |
| Mr. Barbour, | Mr. Fuller, | Mr. Pierce, |
| Mr. Bird, | Mr. Gregory, | Mr. Renwick, |
| Mr. Button, | Mr. Hart, | Mr. Sanborn, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Castle, | Mr. Howard, | Mr. Sprague, |
| Mr. Champlin, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Cook, | Mr. Johnson, | Mr. Williams, |
| Mr. Coleman, | Mr. Kenny, | Mr. Speaker, |
| Mr. Davis, | Mr. Larue, | |

32

FOR MERRITT D. COBB, OF KALAMAZOO,

| | | |
|--------------|-----------------|-----------------|
| Mr. Bell, | Mr. Lathrop, | Mr. McReynolds, |
| Mr. Brown, | Mr. McClelland, | Mr. Newton, |
| Mr. Hammond, | Mr. Miller, | Mr. Walker, |

9

FOR CHARLES S. ADAMS, OF WAYNE,

Mr. Axford, Mr. Catbcart, Mr. Steele,
 Mr. Bailey, Mr. Moran, Mr. Turner,
 Mr. Bush, Mr. Mulhollan, Mr. Williams,

FOR PAUL GEDDES,

Mr. Stockton,

The House then proceeded to the election of a sergeant-at-arms.

Mr. Backus nominated Audrian Abbott. Mr. LeBaron, George Spafford, Mr. Brown, Merritt D. Cobb; and the vote being taken, stood as follows:

FOR AUDRIAN ABBOTT,

Mr. Ashman, Mr. Fuller, Mr. McDonald,
 Mr. Backus, Mr. Gregory, Mr. McReynolds,
 Mr. Button, Mr. Harbaugh, Mr. Newton,
 Mr. Carr, Mr. Howard, Mr. Pierce,
 Mr. Castle, Mr. Ingalls, Mr. Renwick,
 Mr. Cook, Mr. Johnson, Mr. Spencer,
 Mr. Davis, Mr. Kenay, Mr. Sprague,
 Mr. Foote, Mr. Larue, Mr. Tucker,
 Mr. Forbes, Mr. Lathrop, Mr. Speaker,

FOR MERRITT D. COBB,

Mr. Bailey, Mr. Catbcart, Mr. Mulhollan,
 Mr. Barboor, Mr. Coleman, Mr. Saphorn,
 Mr. Bell, Mr. Hart, Mr. Turner,
 Mr. Brown, Mr. Harbaugh, Mr. Williams,
 Mr. Bush, Mr. Miller,

FOR GEORGE SPAFFORD,

Mr. Bird, Mr. LeBaron, Mr. Stockton,
 Mr. Champlin, Mr. McClelland, Mr. Walker,
 Mr. Hammond, Mr. Moran,

FOR CALVIN WOOD,

Mr. Axford, Mr. Duhamel, Mr. Steele,

The House then proceeded to the election of door-keepers.

Mr. McDonald nominated Nathaniel Huntington, Mr. Davis, Heman Castle, and Mr. Axford, John Small.

Mr. McClelland moved, that the office of door-keeper be dispensed with, and the question being taken by yeas and nays, the motion was lost as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Steele, |
| Mr. Bailey, | Mr. McClelland, | Mr. Tucker, |
| Mr. Bell, | Mr. Moran, | Mr. Turner, |
| Mr. Bush, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Cathcart, | Mr. Sanborn, | Mr. Williams, |
| Mr. Dunham, | Mr. Sprague, | |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Lathrop, |
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bird, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Brown, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Howard, | Mr. Renwick, |
| Mr. Castle, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Champlin, | Mr. Johnson, | Mr. Stockton, |
| Mr. Cook, | Mr. Kenny, | Mr. Underwood, |
| Mr. Coleman, | Mr. Larue, | Mr. Speaker |
| Mr. Davis, | Mr. LeBaron, | |

The House now proceeded to the election of Door-keeper, and the vote being taken, stood as follows:

FOR NATHANIEL HUNTINGTON,

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McDonald, |
| Mr. Backus, | Mr. Fuller, | Mr. Miller, |
| Mr. Barbour, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Button, | Mr. Howard, | Mr. Renwick, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Castle, | Mr. Johnson, | Mr. Spencer, |
| Mr. Champlin, | Mr. Kenny, | Mr. Sprague, |
| Mr. Cook, | Mr. Larue, | Mr. Tucker, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Williams, |
| Mr. Foote, | Mr. Lathrop, | Mr. Speaker |

FOR JOHN SMALL,

| | | |
|-------------|-----------------|-------------|
| Mr. Axford, | Mr. Cathcart, | Mr. Steele, |
| Mr. Bailey, | Mr. Dunham, | Mr. Turner, |
| Mr. Bell, | Mr. McClelland, | Mr. Walker, |
| Mr. Bush, | Mr. Mulhollan, | |

FOR HEMAN CASTLE,

| | | |
|------------|--|--|
| Mr. Davis, | | |
|------------|--|--|

FOR WILLIAM M'CARTY,

| | | |
|--------------|--|--|
| Mr. Hammond, | | |
|--------------|--|--|

FOR JAMES CLARK,

Mr. Moran,

FOR CHARLES DIXON,

Mr. Stockton,

Mr. Walker,

The Speaker announced the following officers as duly elected:

For Clerk—Mark Howard.

Enrolling and Engrossing Clerk—John D. Chamberlin.

Recording Clerk—Nathaniel I. Daniels.

Sergeant-at-arms—Audrian Abbott.

Door-keeper—Nathaniel Huntington.

The officers severally subscribed to the oath of office, and entered upon their respective duties.

On Mr. Roberts' retiring from the clerk's desk, Mr. Brown offered the following resolution:

Resolved, That the thanks of this House be tendered to Elijah J. Roberts, the late clerk, pro tem., of this House, for the able and courteous manner in which he has performed the duties of said office.

And the resolution was unanimously adopted as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Moran, |
| Mr. Axford, | Mr. Forbes, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bailey, | Mr. Gregory, | Mr. Newton, |
| Mr. Barbour, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bell, | Mr. Hart, | Mr. Renwick, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Brown, | Mr. Howard, | Mr. Spencer, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Button, | Mr. Johnson, | Mr. Steele, |
| Mr. Carr, | Mr. Kenny, | Mr. Stockton, |
| Mr. Castle, | Mr. Larue, | Mr. Tucker, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Cook, | Mr. McClelland, | Mr. Walker, |
| Mr. Coleman, | Mr. McDonald, | Mr. Williams, |
| Mr. Davis, | Mr. Miller, | Mr. Speaker, |
| Mr. Dunham, | | |

NAYS.

On motion of Mr. Harbaugh,

Resolved, That the Secretary of State be requested to furnish each member of the House with a copy of the journals and laws of the last session of the Legislature, and such other public documents as they are entitled to by law.

On motion of Mr. McReynolds,

Messrs. McReynolds, Brown and Hammond were appointed a committee to wait upon the Governor and inform him that the House is now organized and ready to receive any communication he may be pleased to offer.

On motion of Mr. Backus,

Resolved, That the Clerk be directed to have printed one hundred copies of a manual embracing the constitution of the state, the rules of the House and Senate, the joint rules of both houses and other subjects, so soon as said rules may be fixed upon, embraced in the manual of the last Legislature.

On motion of Mr. Howard,

Resolved, That the Speaker be authorized to appoint the messengers and the other necessary servants for the House.

On motion of Mr. Harbaugh,

Rule sixteenth was suspended, in relation to joint resolutions, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. McDonald, |
| Mr. Axford, | Mr. Dunham, | Mr. Miller, |
| Mr. Bailey, | Mr. Foote, | Mr. Moran, |
| Mr. Barbour, | Mr. Forbes, | Mr. Mulholland, |
| Mr. Bell, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Brown, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bush, | Mr. Hart, | Mr. Sanborn, |
| Mr. Button, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Carr, | Mr. Howard, | Mr. Sprague, |
| Mr. Castle, | Mr. Ingalls, | Mr. Steele, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Stockton, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Coleman, | Mr. McClelland, | Mr. Williams, |

45

NAYS.

| | | |
|-------------|--------------|-------------|
| Mr. Backus, | Mr. Larue, | Mr. Tucker, |
| Mr. Kenny, | Mr. Renwick, | Mr. Walker, |

6

And a joint resolution naming Friday, the 19th inst., for meeting in joint convention of the two houses for the purpose of electing a United States Senator, was passed and transmitted to the Senate.

Mr. Champlin presented a petition from the commissioners of Hillsdale county in relation to taxes of 1839, which, on his motion, was referred to a special committee, consisting of Messrs. Champlin, LeBaron and Stockton.

The Speaker announced a message from his Excellency the Governor, through his private secretary, William H. Wilder, Esq., which was read.

(See House Document No. 1.)

After the said message was read, on motion of Mr. Lathrop, it was

Resolved, That two thousand copies of the Governor's message be printed in English, five hundred in French, and five hundred in the German languages, for the use of the members of this House:

On motion of Mr. Howard, amended by Mr. Tucker,

Messrs. Howard, McClelland, Harbaugh, Stockton and Tucker were appointed a committee to revise the rules of the House.

Mr. Lathrop gave notice that he should, at an early day, ask leave to introduce a bill making appropriations for the payment of guards and for the sustenance and clothing of the state prisoners confined in the state prison at Jackson.

On motion of Mr. Howard,

Resolved, That when the House adjourns, it stand adjourned until to-morrow morning at 9 o'clock.

On motion of Mr. Howard, the House adjourned.

Thursday, January 9, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent, Messrs. Backus,

Champlin, Fuller, Ingalls, Larue, Newton and Pierce, who afterwards appeared and took their seats.

The Speaker announced the following standing committees:

Ways and Means—Messrs. Renwick, Champlin, Stockton, Howard, Larue, Hart.

Internal Improvement—Messrs. Howard, Spencer, Hart, Davis, LeBaron, Williams, Champlin.

Claims—Messrs. Brown, Larue, Tucker, Barbour, Williams, Turner, Backus.

Judiciary—Messrs. Backus, McClelland, Harbaugh, Walker, Spencer, Hammond, Fuller.

Agriculture—Messrs. Pierce, Axford, Button, Cathcart, Miller, Steele, Johnson.

Accounts—Messrs. Moran, Sprague, Sanborn, Miller, Kenny, Bush, Newton.

Education—Messrs. McReynolds, Turner, Ashman, Bell, Foote, Pierce, Bailey.

Manufactures—Messrs. Stockton, Castle, Coleman, Forbes, Moran, Mulhollan, Bird.

Militia—Messrs. Tucker, Bell, Ingalls, McDonald, Brown, Stockton, Fuller.

Elections—Messrs. McClelland, Howard, Button, Gregory, Walker, Dunham, Johnson.

Banks and Incorporations—Messrs. Harbaugh, Bell, Champlin, Hammond, Renwick, Davis, Carr.

Printing—Messrs. Fuller, Cook, McReynolds, Brown, Tucker, Williams, Dunham.

Indian Affairs—Messrs. Axford, Ashman, Tucker, Williams, Bird, Mulhollan, McReynolds.

University and School Lands—Messrs. Spencer, Stockton, Underwood, Lathrop, Walker, Bush, Foote.

Enrolment—Messrs. Turner, Underwood, LeBaron, Carr, Axford, Sanborn, Bush.

Unfinished Business—Messrs. Hammond, Hart, McDonald, Davis, Foote, Walker, Dunham.

Organizing Towns and Counties—Messrs. Champlin, Backus, Bailey, Coleman, Castle, Steele, Barbour.

State Prison—Messrs. Lathrop, Sprague, Pierce, Newton, McDonald, Kenny, Bailey.

On the Library—Messrs. Harbaugh, McClelland, Renwick.

Expenditures—Messrs. Davis, Ingalls, Mulholland, Bird, Steele, Gregory, Axford.

Roads and Bridges—Messrs. Ashman, Carr, Castle, Cathcart, Coleman, Johnson, Cook.

REPORTS.

Mr. Turner, from the committee to wait upon the clergy, &c., reported that they had performed the duty, and that they had cordially accepted the invitation.

NOTICES.

Mr. McClelland gave notice that he would ask leave, on some future day, to introduce a bill to incorporate a company to make a turnpike or Macadamized road from Detroit to Dearbornville, through Monroe, to the Ohio line.

Mr. Pierce gave notice, that at some future day he would ask leave to introduce a bill to repeal the law for providing for the election of county commissioners and defining their powers and duties.

On motion of Mr. Howard,

Messrs. Howard and Hart were appointed a committee on supplies.

RESOLUTIONS.

On motion of Mr. McClelland,

Resolved, That the committee on rules, be instructed to prepare and report to the House as soon as practicable, joint rules for the Senate and House of Representatives.

On motion of Mr. Hammond,

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of so amending the existing law in reference to the taxation of costs in the courts of record, as to require them to be taxed, either by the presiding judge or clerk of each court.

On motion of Mr. Bush,

Resolved, That the committee on the judiciary, be instructed to take into consideration the propriety of so altering our

criminal laws, that in all cases where a complaint is made by any person, which upon examination is found to be slight and frivolous or malicious, the complainant shall pay the costs of such examination.

Mr. Lathrop laid upon the table the following resolution:

Resolved, If the Senate concur, that George Dawson be, and he is hereby, appointed State Printer, under the laws of this state, providing for the appointment of State Printer, and defining his powers and duties.

On motion of Mr. LeBaron,

Resolved, That the committee on the judiciary be instructed to take into consideration the propriety of so amending the existing laws in regard to judgments obtained in justice's courts, as that the same may be carried up to the superior courts by *fieri facias*.

On motion of Mr. Bell,

Resolved, That the committee on the judiciary be instructed to review the whole law, under title five, of the revised statutes, and report what amendments are necessary to effect an equalization in the assessment of taxes, and for the more prompt and faithful collection and disbursement of the proceeds thereof.

On motion of Mr. Fuller,

Resolved, That the committee on expenditures be instructed to inquire into the expediency of reducing the pay of members of this House, to a price not exceeding two dollars per diem.

Mr. LeBaron offered the following resolution:

Resolved, That the committee on the judiciary be instructed to take into consideration the propriety of passing a law making judgments obtained in courts of record, a lien on real estate, and to report by bill or otherwise.

Mr. Lathrop offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of making judgments, when recorded, a lien upon real estate; and also the expediency of providing for the recording in the county clerk's office of judgment

obtained in a justice's court, and making them thereby a lien upon real estate.

Mr. Bush offered the following amendment, which was adopted:

Resolved, That the resolution be so amended, that any judgment issued from a justice's court, exceeding twenty-five dollars, by being filed in the office of the register of deeds of the respective counties, shall be a lien upon real estate.

On motion of Mr. Castle,

Resolved, That the Clerk of the House of Representatives be instructed to furnish, at the expense of the state, the Speaker, Clerk, and each member of the House of Representatives, such newspapers as they may respectively direct, not exceeding the price of one daily paper.

On motion of Mr. McReynolds,

Resolved, That the hour for the convention of this House be 10 o'clock each morning, until otherwise ordered.

Mr. Champlin offered the following resolution:

Resolved, That the committee on supplies are requested by this House to make an arrangement with the postmaster of this city, to deliver all communications to members of this House to a messenger to be appointed by the Speaker.

Mr. Spencer moved the following substitute:

"That the committee on supplies be instructed to procure and present to this House, at or near the close of its session, a full account of the postage bills of each member, for the information and action of this House."

Mr. McClelland proposed the following amendment, which was accepted by Mr. Spencer, in place of his substitute, and the same was adopted.

Resolved, That the committee on supplies, be instructed to make arrangements with the postmaster of this city, for the payment of the communications transmitted by mail to the members of this House, so that the postmaster may give the committee the account of the members respectively, previous to the expiration of the session.

On motion of Mr. McReynolds,

Resolved, That a committee of three be appointed, whose duty it shall be to inquire into the expediency of abolishing, as a state office, the office of private secretary to the Governor.

Whereupon, the Speaker announced as such committee, Messrs. McReynolds, Bell and Fuller.

On motion of Mr. Backus,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of authorizing the judges of the several circuit courts in this state, to reserve motions and questions of law, arising in civil cases, for the advice and consideration of the supreme court, and report by bill or otherwise.

On motion of Mr. McClelland,

Resolved, That the judiciary committee be instructed to inquire into the propriety of more clearly defining the power of our circuit courts.

On motion of Mr. Sprague,

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of so amending the law permitting appeals from justice's courts, as to prohibit the same in all cases when the judgment is less than twenty-five dollars.

On motion of Mr. Foote,

Resolved, That the committee on the judiciary inquire whether any more legislation is required, to protect suitors in the several courts in this state, from the neglect of the sheriff or coroner, or other officers of the courts.

On motion of Mr. Bell

Resolved, That the Secretary of State be, and he is hereby requested, to prepare and deliver to this House, a full statement, descriptive of all the lands selected and confirmed to this state for university and other purposes.

The Speaker announced a communication from the State Geologist, relative to the salt springs, which was laid upon the table and ordered to be printed.

(See House Document No. 2.)

On motion of Mr. McClelland,

The House adjourned.

Friday, January 10, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent, Messrs. Howard, Lathrop, McReynolds and Stockton; who afterwards appeared and took their seats.

Mr. McDonald announced the presence of his colleague, Mr. Underwood, who subscribed to the oath of office, and took his seat.

Mr. Renwick announced the declination of Mr. Spencer to serve as a member of the committee on the Judiciary, and Mr. Spencer being excused, he nominated Mr. Tucker to fill the vacancy.

Mr. Tucker declining the nomination, Mr. Renwick withdrew the same, and on motion of Mr. Hammond, Mr. Brown was appointed to fill the vacancy.

PETITIONS.

By Mr. Champlin. Of Daniel Weaver and others, two several petitions in relation to the township of Fayette, in the county of Hillsdale. Referred to committee on towns and counties.

Of Nelson Doty and others, in relation to the township of Florida. Referred to the committee on towns and counties.

Of James Williamson and others, of the counties of Hillsdale and Branch, for a State road from Jonesville to Union city. Referred to the committee on roads and bridges.

By Mr. Stockton. Of the county commissioners of Macomb, for the use of the Wayne county jail. Referred to the committee on the judiciary.

By Mr. Barbour. Of L. S. Church and others, of the counties of Eaton and Ionia, in relation to a road from the village of Marshall, in the county of Calhoun, to the county seat of Ionia. Referred to the committee on roads and bridges.

By Mr. Brown. Of David Hamilton and others, relative to university and school lands in the county of St. Joseph. Referred to the committee on university and school lands.

By Mr. Hart. Of John Wolf and others, relative to the

state road from Coldwater to Battle creek. Referred to committee on roads and bridges.

REPORTS.

Mr. Howard from the committee appointed to revise the rules of the House, made the following report:

The committee appointed to revise the rules of the House, and the joint rules of the Senate and House of Representatives, beg leave to report that they have had said rules under consideration, and recommend the adoption of the following resolution:

Resolved, That the rules of the House, as contained in the manual of the year 1839, with the following amendments be adopted—"strike out of the 33d rule, the words 'Indian affairs,' and also to strike out of the 38th rule, the words, 'the honorable' as they occur in the first line of said rule."

Your committee have also the honor to recommend the passage of the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the joint rules for the Senate and House of Representatives, as contained in the manual of the legislature, for the year 1839, be adopted.

JOSHUA HOWARD,
Chairman.

Detroit, January 10, 1840.

The rule was suspended and the resolution adopted.

Mr. Howard, from the committee on supplies, reported, that the postmaster of the city of Detroit, was not disposed to open individual accounts, but would consent to a general legislative account, and on his motion, the vote on the resolution of yesterday, relative to opening an account with the postmaster of Detroit, was reconsidered.

Mr. Howard then offered the following, which was adopted:

Resolved, That the committee on supplies, be authorized to make arrangements with the postmaster of this city, for the payment of postage on letters and communications addressed to members of this House; *provided*, that no private postage be paid by the state.

Mr. Tucker sent up to the Chair, the annual report of the St. Clair and Romeo railroad company as follows:

State of Michigan, County of St. Clair, ss.

The undersigned, Thomas Palmer, President, and H. N. Munson, Secretary of the St. Clair and Romeo railroad company, being duly sworn, do declare and say, that the total amount of expenditures of every kind, on said road, up to the 1st of January, instant, have been, (so far as they can now be ascertained, some accounts remaining unsettled,) about nine thousand two hundred dollars, (\$9,200 00.)

In testimony whereof, we have hereunto set our hands and affixed our seals, this ninth day of January, in the year of our Lord, one thousand eight hundred and forty.

THOS. PALMER, *President.*

H. N. MUNSON, *Secretary.*

Subscribed and sworn to before me, the day and year above written,

A. E. HATHON,
Notary Public, W. C.

Ordered to be placed with the documents of the House.

Mr. Champlin, from the select committee for that purpose, introduced "a bill to legalize the acts of the county commissioners of Hillsdale county," which was placed upon the general order.

Mr. Lathrop, pursuant to leave, reported "a bill making appropriation for the payment of guards and the sustenance and clothing of the prisoners confined in the state prison at Jackson." Referred to committee on judiciary.

The following message was received from the Senate, through Mr. Kellogg, their Secretary:

SENATE CHAMBER, }
Thursday, January 9, 1840. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House of Representatives, a joint resolution, which they have passed, naming Friday, the 10th inst., for the two houses to proceed

to the election of Senator to represent the state of Michigan in the Senate of the United States, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

Resolved by the Senate, (if the House concur,) that on Friday, the 10th day of January instant, the two Houses of the Legislature will proceed to the election of a Senator to represent the state of Michigan in the Senate of the United States, and continue from day to day, until such election is complete, any law or resolution to the contrary, notwithstanding.

And the said resolution was, on motion of Mr. Howard, referred to the committee on the judiciary by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. McReynolds, |
| Mr. Axford, | Mr. Forbes, | Mr. Newton, |
| Mr. Backus, | Mr. Fuller, | Mr. Pierce, |
| Mr. Barbour, | Mr. Hammond, | Mr. Steele, |
| Mr. Bell, | Mr. Howard, | Mr. Tucker, |
| Mr. Bird, | Mr. Larue, | Mr. Turner, |
| Mr. Brown, | Mr. McClelland, | Mr. Walker, |
| Mr. Bush, | Mr. Miller, | Mr. Williams, |
| Mr. Cathcart, | Mr. Mulhollan, | |

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NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Bailey, | Mr. Gregory, | Mr. Moran, |
| Mr. Button, | Mr. Hart, | Mr. Renwick, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Castle, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Champlin, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cook, | Mr. Kenny, | Mr. Stockton, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Davis, | Mr. McDonald, | Mr. Speaker, |
| Mr. Foote, | | |

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RESOLUTIONS.

On motion of Mr. Backus,

Resolved, That the committee on printing inquire into the expediency of abolishing the office of State Printer, and report by bill or otherwise.

On motion of Mr. McReynolds,

Resolved, That the committee on the judiciary be instructed

to inquire what alterations (if any) are necessary in the law relating to absent or absconding debtors, to protect the rights of defendants, in cases where writs of attachment are instituted.

On motion of Mr. Fuller,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reducing the fees of the registers of deeds, of county clerks, and of the clerk of the supreme court.

On motion of Mr. Pierce,

Resolved, That the judiciary committee be instructed to inquire into the expediency of organizing a new court, to be formed of justices of the peace, for the trial of minor criminal offences, and report on that subject to this House.

On motion of Mr. Renwick,

Resolved, That a select committee of five be appointed by the Chair, to inquire what offices may be (with safety to the state) abolished, and what reduction can consistently be made in the salaries of the several officers of government, and that said committee report by bill or otherwise.

Whereupon the Speaker announced Messrs. Renwick, Stockton, Larue, McClelland and Lathrop, as said committee.

On motion of Mr. Turner,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the state tax in the counties of Mackinac and Chippewa, and report to this House by bill or otherwise.

On motion of Mr. Hammond,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of leasing the central railroad, locomotives and cars, upon such conditions and with such securities as shall secure the keeping of the same in repair, and shall insure to the public all the advantages of certainty and regularity in the running of the road, at fair and equitable prices, and that said committee report with as little delay as possible.

On motion of Mr. Harbaugh,

Resolved, That the standing committee on the judiciary be

instructed to inquire into the expediency of allowing justices of the peace jurisdiction in actions of replevin, and to report thereon by bill or otherwise.

On motion of Mr. Barbour,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law as to require the road commissioners in the several towns of this state, to give bonds for the security of all moneys that may come into their hands, raised to be expended on the highways.

On motion of Mr. Bell,

Resolved, That a select committee of five be appointed with instructions to report a bill for the relief of certain settlers upon university and state lands.

And the Speaker appointed Messrs. Bell, Brown, Bailey, Pierce and Dunham, as said committee.

On motion of Mr. Coleman,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reducing the pay of members of the township boards and road commissioners, to one dollar per day.

On motion of Mr. Fuller,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing so much of the laws of this state as relate to the fees of inspectors of common schools and inspectors of elections.

On motion of Mr. Bush,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of issuing warrants against defendants who fail to attend when a summons is served by copy.

On motion of Mr. Kenny,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of altering or revising the fee bill, as to the taxation of cost, in order to produce uniformity therein, under proper penalties for the violation thereof.

Mr. Bird offered the following resolution:

Resolved, That the committee on internal improvement be instructed to take into consideration the propriety of appointing,

by law, a person or persons, to pass through on the line of the southern railroad and appraise the damages accruing to individuals in consideration of the location of said road, as far as this is not yet performed.

Mr. Kenny moved to amend the resolution by adding the "Central railroad."

Mr. Stockton moved to amend the amendment by inserting "Clinton and Kalamazoo canal," which was accepted; and

On motion of Mr. Howard,

"All works of internal improvements," was inserted, and the resolution adopted, as amended.

On motion of Mr. Walker,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law regulating proceedings in justices' court, as to make it necessary for suitors in any such court, to satisfy such court by their own oath and other evidence, that they have reasonable cause of action, before such court shall be authorized to issue any such process in their behalf, and that upon satisfying the court, they may be entitled to a summons and attachment, or a summons only, at their option.

Mr. Foote gave notice, that at some future day, he would ask leave to introduce a bill providing for the appointment of commissioners to assess damages occasioned by flowing lands.

The Speaker announced a communication from the Motiroe and Ypsilanti railroad company, which was ordered printed.

(See House Document No. 3.)

On motion of Mr. Brown, the House adjourned.

Saturday, January 11, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, Mr. Spencer was absent.

REPORTS.

Mr. Champlin presented a report from the commissioners of

Hillsdale county, in relation to the seat of justice for that county, and on his motion, the commissioners were discharged from further duties, and their report was referred to the committee on the judiciary.

The Speaker announced a report from Mr. Bell, one of the bank commissioners. Referred to the committee on banks and incorporations.

(See House Document No. 4.)

Also, a report from the board of fund commissioners, which was laid upon the table and ordered printed.

(See House Document No. 5.)

Also, the annual report of the board of internal improvement. Referred to the committee on internal improvement.

(See House Document No. 6.)

Also, the annual report of Henry Howard, Auditor General, which was laid upon the table.

(See House Document No. 7.)

Also, a report from the State Geologist, which, on motion of Mr. McClelland, was laid upon the table.

Mr. Backus, from the committee on the judiciary, made a report on the joint resolution from the Senate relative to the election of an United States Senator, accompanied by a bill entitled "An act to provide for the election of Senators for this state, in the Senate of the United States, and for other purposes." The report was accepted, and the bill was placed upon the general order.

Mr. Backus, from the committee on the judiciary, reported "A bill making appropriation for the payment of guards, and the sustenance and clothing of prisoners, confined in the state prison at Jackson," which was placed upon the general order.

PETITIONS.

By the Speaker. Of Benjamin F. Ferris and others, inhabitants of the towns of Union and Sherwood, in Branch county, and Burlington in Calhoun county, relative to a state road. Referred to the committee on roads and bridges.

By the Speaker. Of Seth Fletcher, to authorize him to sell

and dispose of certain real estate belonging to Henry D. Fletcher, a minor. Referred to the committee on the judiciary.

By Mr. Barbour. Of G. B. Griffin and others, praying for the organization of a town in Eaton county. Referred to the committee on towns and counties.

By Mr. Foote. Of Isaac Morton and others, relative to the state road running from Farmington to Shiawassee. Referred to the committee on roads and bridges.

By Mr. Sanborn. Of Jesse Smith and others, assessors and commissioners of the township of Richfield, Lapeer county, praying for an act to legalize their acts for the year 1899.

By Mr. Miller. Of Guy C. Merrill and Abraham Cahill, praying for authority to convey certain lands. Referred to the committee on the judiciary.

By Mr. McClelland. Of Lewis C. Bailey, praying compensation for the loss of a horse in sustaining the supremacy of the laws. Referred to the committee on the Judiciary.

By Mr. Underwood. Of William Wolcott and J. Walker, praying the passage of an act authorizing William F. Wolcott, a minor, to convey certain real estate. Referred to the committee on the judiciary.

By Mr. Steele. Of R. Finch and others, praying that Joseph Henry Kilborn be allowed to build a dam across the Red Cedar river, in the county of Ingham. Referred to the committee on roads and bridges.

By Mr. Kenny. Of L. Boyden and others, for the alteration of the state road from Ann Arbor to the county seat of Livingston county. Referred to the committee on roads and bridges.

By Mr. Champlin. Of B. F. Prichard and others, for a state road from Gamblesville to Devil lake. Referred to the committee on roads and bridges.

By Mr. Sanborn. Of the inhabitants of the townships of Atlas and Richfield, praying for the organization of a township in Lapeer county. Referred to the committee on towns and counties.

By Mr. Coleman. Of Clifford Shanahan and others, citizens

of Cass county, praying for the abolishment of certain township offices. Referred to the committee on the judiciary.

By Mr. Tucker. Of the citizens of Cottrelville, in the county of St. Clair, for an alteration of the boundary line of said town.

Also a remonstrance of the inhabitants of the town of Ira, in said county, against the above petition.

RESOLUTIONS.

Mr. Brown laid upon the table the following preamble and resolution:

Whereas, the legislature of this state, did, at their last annual session, appropriate the sum of \$25,000 towards the improvement of the navigation of the St. Joseph river, within the limits of this state; the place and manner of applying said appropriation having been left to the discretion of the board of internal improvement: *and whereas*, the whole amount of said appropriation still remains unexpended and cannot be advantageously applied without a knowledge first obtained of the intentions and views of the Legislature of Indiana, with regard to the improvement by that state, of that part of said river lying within the limits of said state of Indiana; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this state be respectfully requested to open a correspondence with the Executive of the state of Indiana, with a view to ascertain whether any appropriation has been made by the Legislature of that state, towards the improvement of that part of the St. Joseph river, lying within its limits; and if not, that the said Executive of Indiana be respectfully solicited to lay the subject before the Legislature of that state, for the purpose of calling their attention to the propriety and importance, in reference to the common interests of the two states, of their making an appropriation for the object aforesaid, proportionate to that already made by this state. And that a copy of the foregoing preamble and resolution be transmitted to the Governor of Indiana.

On motion of Mr. Gregory,

Resolved, That the committee on the judiciary be instructed

to examine into the provisions of the act entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors," approved April 10, 1839, and report whether any further legislation is necessary to enable the creditor to enforce collections, or for the protection of the rights of the creditor, as well as the debtor. And further, whether common justice does not require that the plaintiff may call the defendant into the county where the plaintiff resides, for trial, with proper exceptions.

On motion of Mr. Walker,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law regulating adjournments in justice's court, as to render it necessary for a party applying for a second adjournment, to satisfy such court that he has used due diligence to procure his evidence since the last adjournment.

On motion of Mr. Steele,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending section 28 of chapter five, title one, and part three of the revised statutes, as more clearly to point the duties of justices of the peace, in recalling executions which may have been issued by them.

On motion of Mr. LeBaron,

Resolved, That the committee on the judiciary be directed to inquire whether any, and if so, what alterations should be made in the act of last session, providing for the voluntary dissolution of corporations.

On motion of Mr. Champlin,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law in regard to taverns and other licensed houses, as to require the supervisors, collecting money under said law, to pay the same over to the treasurers of the respective counties.

On motion of Mr. McReynolds,

Resolved, That a committee of five be appointed, whose duty it shall be to inquire into the precise condition and situation of the bonds of this state, issued under, and by virtue of, the

law authorizing the loan of five millions of dollars, for the purposes of internal improvement, requiring them to report the amount in items received on account of said bonds, and the circumstances connected with the outstanding balance; also, the propriety of entering into a negotiation with the holders of said unexpended portion of said bonds, with a view to their being canceled; vesting said committee with power to send for persons and papers.

And the Speaker announced as such committee, Messrs. McReynolds, Hammond, Tucker, Fuller and Turner.

The Speaker called Mr. Brown to the chair.

Mr. Renwick laid the following resolution on the table:

Resolved by the Senate and House of Representatives, That the commissioners of internal improvement be, and they are hereby requested to suspend all operations on the works of internal improvement, in all cases which would not be an infringement of contracts already entered into by the commissioners on the part of the state and any individuals thereof, that no new engagement or contract shall be entered into by the aforesaid commissioners, until the Legislature shall otherwise direct.

The rule being suspended that requires joint resolutions to lay on the table for one day, and the resolution being under consideration, Mr. Backus proposed the following amendment:

“And also, that the commissioners for the appraisal of damages on the several works of internal improvement in this state, suspend all further proceedings.”

On motion, the resolution and amendment were laid upon the table.

On motion of Mr. Walker,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the transfer of suits in case of the resignation, removal or absence of any justice of the peace, to provide for giving notice of such transfer to the parties to such suit.

On motion of Mr. Hammond,

Resolved, That the Clerk of the House be directed to pro-

cure for the use of the members of this House, such newspapers as they shall respectively direct, not exceeding the price of two daily papers; any other order or resolution to the contrary notwithstanding.

On motion of Mr. McReynolds,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the filing of chattel mortgages, bills of sale, &c., with the several township clerks in this state. Also, to make their being filed, the test of their legality.

UNFINISHED BUSINESS.

Mr. Lathrop called up the joint resolution of Thursday, in relation to State Printer, which, after discussion, was, by his consent, laid on the table.

The Speaker resuming the chair, on motion of Mr. Champlin, the bill "to legalize the assessment of taxes in the county of Hillsdale for the year 1839, and for other purposes," was read the first and second time, and made the special order of the day for Monday next.

The Speaker announced as messengers, Louis Palms and Porter Cole.

On motion of Mr. Champlin, the House adjourned.

Monday, January 13, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kundig.

The roll being called, Messrs. Brown, Forbes, Kenny, Mulhollan, McReynolds, Newton, Pierce, Renwick, Tucker and Underwood were absent; who afterwards appeared and took their seats, except Mr. Mulhollan, who was excused on account of indisposition.

PETITIONS.

By Mr. Harbaugh. Of the officers and privates of the "Brady Guards," for relief. Referred to the committee on the militia.

By Mr. Hart. Of Daniel Thurstin and others, remonstrating against alteration of the state road running from Coldwater, Branch county, to Battle Creek, Calhoun county. Referred to the committee on roads and bridges.

RESOLUTIONS.

On motion of Mr Davis,

Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire into the propriety of repealing an act passed by the legislature of 1839, loaning a sum of money to the White Pigeon Beet Sugar Company, and report by bill or otherwise.

On motion of Mr. Axford,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending part three, title five, chapter two of the revised statutes, in such a manner as to allow the sheriffs of the several counties a definite fee for serving a venire facias for grand and petit jurors.

On motion of Mr. Turner,

Resolved, That a committee of five be appointed, whose duty it shall be to examine into the condition of the geological department of the state, and to report to this House, whether the whole or any portion of the labors in the said department, may not be advantageously suspended.

Resolved, That the accounts and vouchers from the geological department, now on the table, be referred to the committee for examination and report.

And the Speaker announced as such committee Messrs. Turner, Hart, Renwick, Larue and Harbaugh.

On motion of Mr. Bell,

Resolved, That the committee on ways and means be instructed to inquire into the propriety and necessity of affording relief to the resident citizens of the several counties within this state, by extending the time for the collection and payment of the several specific taxes for the year 1839, and that they report by bill or otherwise.

Mr. Spencer offered the following resolution:

Resolved, That the committee on internal improvement be

instructed to inquire into the present condition of the several works of internal improvement in this state, to ascertain, as near as practicable, the gross amounts expended upon each, and their respective availableness present and prospective; and report the result of their investigations to this House, together with such other information and suggestions as appertain to the subject, with leave to bring in a bill or otherwise."

Mr. Hammond offered the following amendment, which was accepted by Mr. Spencer:

"And that the amount expended in the different counties be stated as near as practicable."

And the resolution as amended, was adopted.

On motion of Mr. Spencer,

Resolved, That the committee on banks and incorporations be instructed to inquire into the expediency of abolishing the safety fund system of banking, of this state, and of providing some more efficient and speedy means of collecting such claims as are outstanding against the institutions that have been in operation under the same, with leave to bring in a bill or otherwise.

Mr. Hammond offered the following preamble and resolution:

Whereas, during the past legislation of this state, much time and expense has been involved in the organization of townships, without any corresponding advantage, not attainable by a general law; therefore,

Resolved, That the committee on towns and counties be instructed to bring in a bill providing for the organization of any surveyed township within this state, by the county commissioners, on the petition of twelve electors residing in said township.

Mr. Champlin moved to amend the resolution by adding after the words "county commissioners," the words "or supervisors."

And the resolution, as amended, was adopted.

On motion of Mr. Backus,

Resolved, That a select committee of three be appointed to inquire into the expediency of memorializing the general govern-

ment for a donation of land, to aid in the completion of the several works of internal improvement, and report by a memorial for that purpose, or otherwise.

The chair announced Messrs. Backus, Renwick and Walker, as said committee.

On motion of Mr. Moran,

Resolved, That the judiciary committee be directed to inquire and examine the act to abolish imprisonment for debt, and to punish fraudulent debtors, and report the necessary amendments to this House, by bill or otherwise.

On motion of Mr. Davis,

Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire into the expediency of so amending the revised laws, that in all actions in a court of record, where judgments are obtained by default, that the taxable costs shall not exceed eight dollars. And also, whether some further provision of law is not necessary to protect the several counties of the state from paying any part of the cost that should be paid by private suitors in actions where the counties have no interest.

On motion of Mr. McReynolds,

Resolved, That the commissioners appointed by the legislature at its last session, to adjust the claims of this state against the Michigan State Bank, for moneys deposited therein be, and are hereby respectfully requested to report without unnecessary delay, what (if any) progress they have made in the discharge of said duties.

On motion of Mr. Harbaugh,

Resolved, That so much of the Governor's message as relates to the expediency of requiring by law, "the Auditor General and State Treasurer, respectively, to adjust, settle and balance their accounts, down to the termination of the third quarter of each year, and all other officers who are required to make annual reports, to prepare their exhibits and reports for the same period, and deposit the same during the month of October, of each year, in the office of the Secretary of State," be referred to the standing committee on the judiciary.

Resolved, That so much of the Governor's message as relates to the propriety of an immediate suspension or repeal of all the existing laws relative to the internal improvement system of the state, excepting so much thereof as relates to the running of the cars upon the railroads already in use, and the receipt and application of the tolls collected thereon, be referred to the standing committee on internal improvements.

Resolved, That so much of the Governor's message as relates to the re-organization of the present board of commissioners of internal improvement, be referred to the standing committee on internal improvements.

Resolved, That so much of the Governor's message as relates to "the assessment and collection of the highway taxes, and the taxes for the support of schools and the erection of school houses," be referred to the standing committee on ways and means.

Resolved, That so much of the Governor's message, together with the accompanying documents and affidavits, as relates to the interference and prevention, by an armed military force, under the authority of the United States, of the contemplated construction by the state, of a ship canal around the falls of the Sault de Ste Marie, be referred to a committee of five, to report what action, if any, is necessary to be taken in the premises, to sustain and preserve the rights and sovereignty of the state of Michigan.

The Chair announced Messrs. Harbaugh, Ashman, Turner, Tucker and Bell, as said committee.

On motion of Mr. Davis,

Resolved, That the committee on printing be, and they are hereby instructed to inquire of the different printers of the city, the price for which they will do the printing of this House, during its present session, and report without delay, the result of their inquiries, and their opinion of the ability of each to perform the labor.

Mr. Harbaugh called up for consideration, the report of the Auditor General, and offered the following resolution, which was adopted:

Resolved, That a select committee be appointed, to consist of five members, to whom shall be referred the report of the Auditor General, which was laid upon the table on Saturday last, with instructions that they examine it in detail; and report to the House the result of their inquiry, whether the same is found to be correct, and whether, in their opinion, the warrants that have been issued by that officer, have in all cases been issued according to the provisions of existing laws; and whether any money has been drawn from the treasury, but by acts of the legislature or authority of law, during the last year.

The Chair announced as such committee, Messrs. Harbaugh, Turner, Larue, Fuller and Stockton.

Mr. Backus gave notice, that at some future day he would ask leave to bring in a bill to provide more effectually to secure the benefits of writs of error, quo warranto, mandamus and prohibition.

Mr. Hammond gave notice, that he should on a future day, ask leave to introduce a bill to provide for the collection of unpaid high-way taxes, and for other purposes.

Mr. Champlin, from the committee on towns and counties, reported "A bill to organize certain townships therein named," which was placed upon the general order.

The Speaker announced the following message from the Senate:

SENATE CHAMBER,
Saturday, January 11, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House of Representatives, the joint resolution, received from the House, relative to the joint rules of the two Houses, with an amendment, which the Senate have passed, and respectfully ask the concurrence therein, of the House of Representatives.

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the amendment of the Senate, and the resolution was adopted.

On motion of Mr. Champlin,

The House went into a committee of the whole on the "Bill to legalize the assessment of taxes in the county of Hillsdale," Mr. Tucker in the chair.

After spending some time thereon, the committee rose and reported the same back with sundry amendments, which were concurred in; and

On motion of Mr. Champlin,

The bill was laid on the table.

On motion of Mr. Backus,

The House resolved itself into committee of the whole on the "Bill to provide for the election of a United States Senator," Mr. McClelland in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House without amendment.

On motion of Mr. Howard,

The bill was recommitted to the committee on the judiciary.

On motion of Mr. Howard, the House then adjourned.

Tuesday, January 14, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kundig.

The roll being called, there were absent without leave, Messrs. Axford and Howard. Mr. Mulhollan was absent on leave.

Mr. Stockton announced the indisposition of his colleague, Mr. Axford, and asked and obtained for him leave of absence.

Mr. Brown asked and obtained leave of absence for Mr. Hart.

PETITIONS.

By Mr. Castle. Of Alpheus Fuller and others, for the organization of a certain township. Referred to the committee on towns and counties.

By Mr. Dunham. Of the Rier Raisin and Lake Erie railroad company, for the state to purchase the road of said company. Referred to the committee on the judiciary.

By the same. Of L. S. Humphrey and others, for the same object. Referred to the Judiciary committee.

By Mr. Kenny. Of sundry inhabitants of the township of West Huron, for the repeal of the license law for the sale of ardent spirits; and on his motion, it was referred to a select committee, consisting of Messrs. Kenny, Hammond, Bush, Coleman and Moran.

REPORTS.

Mr. Backus, from the committee on the judiciary, to whom was referred the "Bill to provide for the election of a United States Senator," reported the same back to the House with amendments, which was placed upon the general order.

Mr. Harbaugh, from the minority of said committee, reported "A bill to amend the revised statutes, relative to the election of a Senator in Congress," which was placed upon the general order.

RESOLUTIONS.

On motion of Mr. Underwood,

Resolved, That a select committee of five be appointed, with instructions to inquire and report to this House, at as early a period as may be, the names of the several companies and incorporations, for purposes of internal improvement, to which the state has lent its aid. And the committee are directed to embrace in their report such information as they may be able to collect on the following topics:

1. To what companies have gifts or grants of money, land or materials, been made, and how much to each?
2. To what companies have loans of money or materials been made, how much, and on what terms, and whether any instalments or payments on such loans have fallen due, and how much has been paid, or remains unpaid?
3. In aid of what companies has the credit of the state been pledged, and how much money or materials has been so obtained by each of said companies, and on what terms, and whether any payments on such loans have fallen due and remain unpaid by any such company or companies, and whether any

payments have been made by the state on such loans, which should have been made by such company or companies, and how much?

4. The location of the several works projected by the several companies?

5. What portion of the gifts, grants or loans made in aid of each of said companies, has been expended on the several works projected, and what progress has been made in the construction of each, as nearly as can be ascertained.

And the Chair announced as such committee, Messrs. Underwood, Brown, Williams, Sprague and Cathcart.

On motion of Mr. Pierce,

Resolved, That the select committee, to whom was referred the report of the Auditor General, be, and they are hereby instructed, particularly to inquire into a charge upon the forty-ninth page of said report, where an entry is made for "ice," having been furnished to the legislature of 1889, and report whether, in their opinion, that very respectable body should have been furnished, at the expense of the state, with that cooling beverage, and if so, what portion of said legislature participated in its benefits.

On motion of Mr. Ashman,

Resolved, That so much of the Governor's message as pertains to the connecting of lake Superior with lake Huron, by means of a ship canal past the falls of Site Marie, and the propriety of memorializing the general government for aid to construct the same, be referred to a select committee of three.

The Chair announced as such committee, Messrs. Ashman, Turner and Newton.

On motion of Mr. Kenny,

Resolved, That the committee on agriculture be directed to inquire whether any legislative act would tend to promote the raising of sheep, and protect that useful animal from the depredations of wolves and dogs.

On motion of Mr. Le Baron,

Resolved, That the committee on the judiciary be directed

to inquire into the propriety of reducing the amount of costs accruing under present laws in justices' court; and to report by bill or otherwise.

On motion of Mr. Davis, the bill was ordered to be read.

Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire into the expediency of so amending the revised laws of the state, that but one bill of cost shall be collected upon any promissory note, obligation in writing, or claim arising upon contract, hereafter prosecuted in any of the courts of this state, and report, by bill or otherwise, without unnecessary delay.

On motion of Mr. Bell, the bill was ordered to be read.

Resolved, That the committee on internal improvement be instructed to inquire into the expediency and propriety of constructing a good turnpike on timber road on the route of the northern railroad, commencing at the village of Flat, on the Saginaw turnpike, continuing on through the villages of Lyons and Ionia, and terminating at the village of Grand Rapids, or at the mouth of Grand river, and that they report by bill or otherwise.

GENERAL ORDERS.

On motion of Mr. Harbaugh, the bill was ordered to be read.

The House resolved itself into committee of the whole, on the "Bill to provide for the election of United States Senator," Mr. Pierce in the chair, and after spending some time thereon, the committee rose and reported the same back to the House without amendment.

On motion of Mr. McClelland, the bill was ordered to be read.

The committee was discharged from the further consideration of the subject.

And on his motion, the bill was laid upon the table and ordered to be printed, by yeas and nays as follows:

| | | |
|--------------|--------------|--------------|
| Mr. Ashman, | Mr. Coleman, | Mr. Renwick, |
| Mr. Backus, | Mr. Dunham, | Mr. Spencer, |
| Mr. Bailey, | Mr. Foote, | Mr. Sprague, |
| Mr. Barbour, | Mr. Gregory, | Mr. Steel, |

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bird, | Mr. Kenny, | Mr. Tucker, |
| Mr. Brown, | Mr. Larue, | Mr. Turner, |
| Mr. Bush, | Mr. McClelland, | Mr. Underwood, |
| Mr. Castle, | Mr. Miller, | Mr. Walker, |
| Mr. Cathcart, | Mr. Moran, | Mr. Williams, |
| Mr. Cook, | Mr. Newton, | |

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NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Button, | Mr. Hart, | Mr. Lathrop, |
| Mr. Carr, | Mr. Harbaugh, | Mr. McDonald, |
| Mr. Champlin, | Mr. Ingalls, | Mr. McReynolds, |
| Mr. Davis, | Mr. Johnson, | Mr. Pierce, |
| Mr. Forbes, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Fuller, | | |

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According to previous notice, Mr. Hammond asked, and obtained leave to introduce a bill entitled "An act to provide for the collection of unpaid highway taxes, and to equalize the same, and for other purposes," and on his motion, the same was referred to the committee on the judiciary.

Mr. Champlin called up bill No. 1, for consideration, and after being amended, was, on his motion, ordered to be engrossed for a third reading.

On motion of Mr. Lathrop,

Bill No. 3, was taken up for consideration, and,

On motion of Mr. McClelland,

It was referred to the committee on state prison.

The Speaker announced a special message from the Executive, relative to the election of State Treasurer and Auditor General.

(See House Document No. 8.)

Also, a message relative to the condition of the Bank of Michigan, which communications having been read by the clerk, with the accompanying documents, were laid on the table and ordered to be printed.

(See House Document No. 9.)

On motion of Mr. Davis, the House adjourned until three o'clock, P. M.

Afternoon Session.

The House met pursuant to adjournment, and on calling the roll, the same members were present as in the forenoon.

Mr. Spencer offered the following resolution:

Resolved, That the messages, documents and other papers printed for the use of this House, as well as all necessary supplies furnished the same, be equally distributed among the several members thereof, and that the Speaker be authorized to order the same carried into effect.

Mr. Hammond moved to further amend the resolution by inserting the following after the word "same:"

"Provided the same shall be furnished."

On motion of Mr. McReynolds,

The resolution and amendment were indefinitely postponed.

On motion of Mr. McReynolds,

The "Bill to provide for the election of United States Senator," was taken up in committee of the whole, Mr. Pierce in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment, and the rule being suspended, the bill was read a third time and passed.

On motion of Mr. Renwick, the House adjourned until 10 o'clock, to-morrow morning.

Wednesday, January 15, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kundig.

The roll being called, Mr. Howard was absent.

Messrs. Axford and Hart being absent on leave.

PETITIONS.

By Mr. Foote. Of Phineas Bates and others, in relation to a state road, running from Milford to Livingston county. Referred to committee on roads and bridges.

By Mr. Hammond. Of William H. Cross and Silas A. Hol-

brook, contractors on the Central railroad, for relief. Referred to committee on claims.

By Mr. McReynolds. Of E. K. Gilbert, an account for book cases for use of library. Referred to committee on claims.

By Mr. Bailey. Of sundry settlers on the university lands in St. Joseph county, praying for relief. Referred to the select committee for that purpose.

By the Speaker. The petition of Josiah Wells and others, inhabitants of Leoni, Jackson county, praying for an extension of time for the collection of taxes. Referred to committee on ways and means.

By Mr. Castle. Of Courtland Hill and others, of Clinton county, in respect to unpaid taxes in 1838 and 1839. Referred to committee on the judiciary.

REPORTS.

Mr. Lathrop, chairman of the committee to whom was referred the bill No. 3, making appropriation for the payment of guards, and for the sustenance and clothing of prisoners confined in the state prison at Jackson, reported the same back without amendment; and the same was placed upon the general order.

Mr. Fuller introduced a minority report relative to State Printer; which,

On motion of Mr. Tucker, was laid upon the table.

Mr. McReynolds presented a report on the same subject,

On motion of Mr. Pierce,

The same was also laid on the table.

Mr. Backus, chairman of the committee on the judiciary, to whom was referred the petition of Lewis C. Bailey, praying for compensation for the loss of a horse, in sustaining the supremacy of the laws, reported the same back to the House, and was discharged from the further consideration of the same.

On his motion, the same was referred to the committee on claims.

RESOLUTIONS.

Mr. Harbaugh laid the following joint resolution upon the table:

Resolved by the Senate and House of Representatives, That on the day of January instant, the two houses of this Legislature shall proceed to the appointment, by a joint vote, of a State Treasurer, to supply the vacancy occasioned by the resignation of Henry Howard, Esq., for the residue of the term for which he was appointed on the 13th day of March, 1838, and forthwith thereafter, proceed to appoint a State Treasurer for two years, to commence from and after the term aforesaid.

On motion of Mr. Harbaugh,

Resolved, That the committee on the judiciary be instructed to inquire what amendments, if any, are necessary to the act to provide for the government and discipline of the state prison, approved April 17th, 1839, so as to provide for the payment and expenses in transporting convicts to the state prison, by the sheriff of each county, and also to provide for the payment of the expenses of clothing and victualing them while in confinement.

On motion of Mr. Sanborn,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing all that portion of the revised statutes, which provides for the appointing of special messengers from the several districts in this state, to the Secretary of State's office, in the city of Detroit, contained in part first, title two, chapter five, sections thirteen, fourteen and sixteen.

On motion of Mr. Hammond,

Resolved, That the committee on university and school lands, inquire into the propriety and expediency of permitting purchasers of said lands for actual settlement, and who have been driven to abandon them on account of the general embarrassments under which the country is suffering, to retain such portion of their lands as will be a fair and just equivalent for the amount of moneys paid by them, and report by bill or otherwise.

On motion of Mr. Button,

Resolved, That the committee on the judiciary be instructed

to inquire into the expediency of amending part three, title first, chapter five, section twenty-three of the revised statutes, in regard to the staying of executions, and report whether any alteration of the same be deemed necessary in order to more safely secure the judgment creditor against loss by the removal of the judgment debtor and sureties.

On motion of Mr. Tucker,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of prohibiting, by law, registers of the several counties of this state, from making out deeds that are to be placed upon the records, which said registers control, and report to this House as soon as convenient.

On motion of Mr. Lathrop,

Resolved, That so much of the Auditor General's report as refers to the state prison department, be referred to the committee on state prisons, with instructions to inquire whether the same are correct copies of the original reports made to the Auditor General; and whether a due regard has been had to the interest of the state, and the good understanding of said report in the manner of printing the same; and report to this House.

On motion of Mr. Harbaugh, two members were added to the committee on supplies, viz: Messrs. Harbaugh and Hammond.

NOTICES.

Mr. Steele gave notice that he would, at some future day, ask leave to introduce a bill to change the terms of the circuit court in the county of Ingham. Also, a bill to legalize the township meeting of the township of Onondaga, in said county, for the year 1838.

Mr. Tucker gave notice, that on some future day, he should ask leave to introduce a bill to abolish the office of State Printer.

UNFINISHED BUSINESS.

Mr. Bell called up for consideration, the joint resolution relative to State Printer, and the same being under consideration,

Mr. Tucker offered the following amendment to follow the word "be":

"And he is hereby authorized to publish the laws of this state, until some other mode is provided, and that said laws shall be as valid as though the State Printer published the same."

Mr. Walker moved to amend the amendment by adding

"Provided he will do such printing at as low a rate as any other individual in the city of Detroit."

Mr. McReynolds moved to lay the resolution and amendments on the table, which motion was lost.

The question recurring on the amendment to the amendment offered by Mr. Walker, the same was lost by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bailey, | Mr. McClelland, | Mr. Steele, |
| Mr. Bell, | Mr. McDonald, | Mr. Tucker, |
| Mr. Bush, | Mr. Moran, | Mr. Turner, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Dunham, | Mr. Pierce, | Mr. Walker, |
| Mr. Hammond, | Mr. Renwick, | Mr. Williams, |
| Mr. Ingalls, | Mr. Sanborn, | |

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NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Coleman, | Mr. LeBaron, |
| Mr. Backus, | Mr. Davis, | Mr. Lathrop, |
| Mr. Barbour, | Mr. Foote, | Mr. Miller, |
| Mr. Bird, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Brown, | Mr. Fuller, | Mr. Newton, |
| Mr. Button, | Mr. Gregory, | Mr. Spencer, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, |
| Mr. Champlin, | Mr. Kemy, | Mr. Speaker, |
| Mr. Cook, | Mr. Larue, | |

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The question recurring on the amendment offered by Mr. Tucker, the same was lost.

The question then recurring on the original resolution, the same was adopted.

On motion of Mr. Champlin, bill No. 4 was taken up for consideration.

Mr. Hammond moved to lay the bill on the table, which motion prevailed.

On motion of Mr. Lathrop, bill No. 3 was taken up for consideration, "making appropriations for the payment of guards and for the sustenance and clothing of prisoners confined in the state prison at Jackson."

On motion of Mr. McClelland, the House resolved itself into a committee of the whole on said bill, Mr. Bell in the chair.

The committee, after some time spent thereon, through their chairman, reported the same back to the House without amendment; and on motion of Mr. Hammond, the same was re-committed to the committee on state prison.

Mr. Harbaugh asked and obtained leave of absence for Mr. Backus for one day.

On motion of Mr. Harbaugh, the committee on the judiciary was discharged from the further consideration of the resolution offered by him this morning, relative to the "act to provide for the government and discipline of the state prison," and that the same be referred to the committee on state prison, which was adopted.

On motion of Mr. Harbaugh, the House adjourned until ten o'clock to morrow morning.

Thursday, January 16, 1840.

The House met pursuant to adjournment, and the roll being called, Messrs. Axford and Backus were absent on leave.

Prayer by the Rev. Mr. Kundig.

PETITIONS AND MEMORIALS.

By Mr. Hammond. Of five hundred and forty-two inhabitants of the county of Branch, for the removal of the seat of justice in said county. Referred to the committee on towns and counties.

By Mr. Underwood. Of Emma J. Sprague, a minor, for power to convey lands. Referred to the committee on the judiciary.

Of H. J. Tyler & Co., for the allowance of certain accounts

for advertising militia orders. Referred to the committee on claims.

By Mr. Lathrop. Of W. & J. Ford, for the allowance of certain claims for clearing Grand river. Referred to the same committee.

By Mr. Renwick. Of Chauncey Bush, Zina Pitcher and others, for the passage of an act to encourage the manufacture of silk. Referred to the committee on agriculture.

REPORTS.

Mr. Champlin, from the committee on towns and counties, reported a bill to organize certain townships, which was placed upon the general order, and ordered to be printed.

Mr. Hammond, from the judiciary committee, reported back to the House the resolution instructing them to inquire into the expediency of abolishing the state tax in the counties of Chippewa and Mackinac, and were discharged from the further consideration of the same; and the resolution was referred to the committee on ways and means.

Also, a resolution relative to reducing the pay of members of the township board and road commissioners. Referred to the committee on towns and counties.

Also, a resolution relative to the voluntary dissolution of incorporations. Referred to the committee on banks and incorporations.

Also, a petition from the citizens of Cass county, for the abolishing certain township offices. Referred to the committee on towns and counties.

Mr. Lathrop, from the committee on state prison, reported back the "Bill to provide for the payment of guards and for the sustenance of prisoners," accompanied by a report, which,

On motion of Mr. Harbaugh,

Was laid upon the table and the report ordered to be printed.

(See House Document No. 10.)

Mr. Turner, from the committee on enrolment, reported as correctly enrolled "An act to legalize the assessment for the county of Hillsdale."

Also, a joint resolution relative to joint rules of the Senate and House of Representatives.

The following message was received from the Senate through Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Wednesday, January 15, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return to the House of Representatives a "Bill to provide for the election of United States Senator," with sundry amendments, which the Senate have passed, and respectfully ask the concurrence therein, of the House of Representatives.

D. W. KELLOGG,

Secretary of the Senate.

On motion of Mr. Harbaugh,

The bill was amended by inserting the following, to come in after the word "instant," "in the hall of the House of Representatives."

On motion of Mr. Renwick,

The amendment was further amended by striking out the last clause of the fourth section, and the bill was passed accordingly.

RESOLUTIONS AND NOTICES.

Mr. Fuller offered the following:

Resolved, That the committee on supplies be instructed to furnish the members of this House with a decent penknife.

Mr. Renwick moved to strike out the word "decent," which was lost; and the yeas and nays being called upon the passage of the resolution, the same was lost by the following vote:

YEAS.

| | | |
|-------------|-----------------|---------------|
| Mr. Ashman, | Mr. Fuller, | Mr. McDonald, |
| Mr. Bailey, | Mr. Johnson, | Mr. Miller, |
| Mr. Brown, | Mr. Kenny, | Mr. Newton, |
| Mr. Carr, | Mr. Larue, | Mr. Renwick, |
| Mr. Cook, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Davis, | Mr. Lathrop, | Mr. Turner, |
| Mr. Dunham, | Mr. McClelland, | |

NAYS.

| | | |
|--------------|--------------|--------------|
| Mr. Barbour, | Mr. Forbes, | Mr. Sanborn, |
| Mr. Bell, | Mr. Gregory, | Mr. Spencer, |
| Mr. Bird, | Mr. Hammond, | Mr. Sprague, |

| | | |
|---------------|-----------------|----------------|
| Mr. Bush, | Mr. Harbaugh, | Mr. Steele, |
| Mr. Button, | Mr. Ingalls, | Mr. Underwood, |
| Mr. Castle, | Mr. Moran, | Mr. Walker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Champlin, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Foote, | Mr. Pierce, | |

On motion of Mr. Spencer,

Resolved, That so much of the Governor's message as relates to the subject of "securing a full representation of this state in the Congress of the United States, at the earliest practicable period," be referred to a select committee of five, with instructions to report by bill or otherwise.

The Speaker announced Messrs. Spencer, Harbaugh, Moran, McDonald and Steele, as said committee.

On motion of Mr. McReynolds,

Resolved, That so much of the Governor's message as relates to the currency and the suspension of specie payments by the banks, be referred to the committee on banks and incorporations; also,

Resolved, That so much of the Governor's message as relates to the finances of the state, be referred to the committee on ways and means.

On motion of Mr. Mulhollan,

Resolved, That the judiciary committee inquire into the expediency of repealing the twenty-seventh section of part three, title two, chapter seven of the revised statutes, which prohibits an adjournment of a sheriff sale, at any one time, for more than seven days, so that the sheriff or other officer may adjourn the same to any time within the life of the execution itself, in his discretion.

On motion of Mr. LeBaron,

Resolved, That the committee on the judiciary be directed to inquire whether any, and if so, what amendment should be made to part four, title one, chapter two, section fifteen of the revised statutes, relating to the concurrent jurisdiction of justices of the peace with the circuit court, in the punishment of crime.

On motion of Mr. Barbour,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of passing a law fixing the rate of fees to be paid to district canvassers.

Mr. Bell gave notice that, on some future day, he should ask leave to introduce a bill more effectually to detect and punish fraudulent debtors, as an amendment to the "Act to abolish imprisonment for debt and to punish fraudulent debtors," approved April 10, 1839.

On motion of Mr. Steele,

Resolved, That the committee on roads and bridges, be instructed to inquire into the propriety of so amending the latter clause of section eight, chapter one, title six and part one of the revised statutes, as to leave the time when the highway assessments in any road district shall be collected, discretionary with the overseers of the districts respectively.

Mr. Harbaugh called up the joint resolution to provide for the election of a State Treasurer, which,

On motion of Mr. McClelland,

Was referred to the committee on the judiciary.

On motion of Mr. McReynolds,

The report of the fund commissioners was taken up and referred to the committee on banks and incorporations.

The following message was received from the Senate, through their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, January 16, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House of Representatives, the "Bill to provide for the election of United States Senator," and inform the House that the Senate has non-concurred in the amendment made by the House to the amendment of the Senate in the first section, and has concurred in the amendment of the House, to the amendment of the Senate, in the fourth section of said bill.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Harbaugh,

The House receded from their amendment to the first section of the bill, and the bill ordered to be enrolled.

The Speaker announced a report from the Superintendent of Public Instruction, which was referred to the committee on education.

(See House Document No. 11.)

On motion, the House adjourned.

Friday, January 17, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kundig.

The roll being called, the same members were present as yesterday.

PETITION.

By Mr. Walker. Of sundry citizens of the county of Macomb, for the relocation of the county site of that county. Referred to the committee on towns and counties.

REPORTS.

Mr. Tucker, from the committee on claims, to whom was referred the memorial of Lewis C. Bailey, praying compensation for the loss of a horse, in sustaining the supremacy of the laws, reported adverse to the prayer of the petitioner; and on his motion, the committee were discharged from further consideration of the same.

Mr. Walker, from the committee on the judiciary, reported "A bill to provide for the disposition of prisoners apprehended in the county of Macomb," which was read the first and second time, and

On motion of Mr. Hammond,

Was ordered to lay upon the table and be printed.

Mr. Turner, from the committee on enrolment, reported as correctly enrolled "A bill to provide for the election of United States Senator."

Mr. McReynolds, from the select committee to whom was

referred a resolution respecting the five million loan, made the following report:

"The select committee to whom was referred a resolution respecting the five million loan, beg leave respectfully to report, that the resolution submitted to them, is, in the minds of a portion of your committee, ambiguous in its terms, leaving room for a doubt whether it embraces all the points in which it is desirable to consider in the investigation, and ask leave to substitute the following, as a substitute for the original resolution:

Resolved, That the select committee to whom was referred a resolution respecting the five million loan, be instructed to inquire and report to this House,

1. What amount was, by the terms of said loan, receivable by the state, and the time when the same was payable?

2. What amounts have been so received and when?

3. What sums have been expended, and for what purposes?

4. The amount still due and receivable, when payable, and by whom?

5. What amounts are appropriated which are still unexpended, and are by the existing laws, a charge upon the amount still due, or to become due?

6. And also, to inquire into the expediency of canceling the bonds for that portion of the loan which remains unpaid, if that be practicable, or of otherwise disposing of it; vesting said committee with power to send for persons and papers.

On motion of Mr. Hammond,

The report was accepted, and the resolution adopted.

The Speaker announced a communication from the Secretary of State, accompanied with an "abstract of the reports of the superintendents of the poor;" which communication, with the accompanying documents, on motion of Mr. Harbaugh, were laid upon the table and ordered printed.

(See House Document No. 12.)

RESOLUTION.

On motion of Mr. Harbaugh,

Resolved, That the committee on the judiciary, be instructed

to inquire what amendments, if any, are necessary to the "Act to provide for the collection of demands against boats and vessels."

NOTICE.

Mr. Harbaugh gave notice that on some future day, he would introduce a bill to amend part three, title two, chapter seven of the revised statutes, relating to judgments in courts of record, and executions thereon.

On motion of Mr. Turner,

The report of the State Geologist, relative to the improvement of salt springs, was referred to the select committee on that subject.

The Speaker announced a special message from the Executive, by L. Bruce, Esq., in the words following:

To the Senate and House of Representatives.

It has become my duty to request the early attention of the Legislature, to the condition of that very numerous class of our fellow citizens, who seem to have entered into contracts with the accredited agents of the state, for the furnishing of materials; or the performance of labor upon our public works, and who claim to be creditors.

The aggregate amount of the outstanding pecuniary liabilities already incurred in the prosecution of our gigantic project of internal improvement, can best be ascertained by a minute examination into all the operations of the commissioners and of the board.

If this aggregate amount should be found swollen beyond our present available means, I am persuaded that you will not the less think it a duty, gentlemen, to provide for its liquidation; nor would any unnecessary delay of payment, in cases where contracts have been entered into in perfect good faith, be justified, by imputing indiscretion or extravagance to our predecessors who may have authorized such accumulated liabilities. It is the public faith, which is pledged; and it is our constant duty to preserve the public faith inviolate. And as this, to the utmost extent possible, is our duty, so, I am sure, you will think it also, for our advantage. For there is no truth more

thoroughly established," (as our first, our greatest, and our best president has told us,) "than that there exists, in the economy of nature, an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity." Feeling assured, gentlemen, that there can exist no difference of opinion, as to the justice of these sentiments, or the soundness of the policy which they indicate, I respectfully lay before you, herewith, a memorial of some of our fellow citizens, exhibiting the distressed condition in which they appear to have been placed by reason of an alleged failure on the part of the agents of the state, to comply with the pecuniary engagements made with the memorialists. Though addressed to the Governor, (who, without your aid, can furnish no relief,) yet I have considered it a duty, which both justice and sound policy enjoin, to submit it to you, for your more efficient consideration.

But while I commend this subject to your earnest attention, I would venture to suggest the expediency of a guarded caution; in any general act you may think it proper to pass, against the allowance of claims upon any contract, except such as may have been entered into in the most perfect good faith.

I again, also, respectfully ask your consideration of the propriety of abrogating, or at least of suspending, all existing authority, on the part of the commissioners of internal improvement, to enter into any new contract for the prosecution of the projected works, until ways and means to meet the exigency shall have been provided.

I avail myself of the occasion, to present for the consideration of both houses, a communication from the Secretary of State, concerning insurance upon the capitol and the state library, and submit the propriety of early attention upon the subject alluded to.

WILLIAM WOODBRIDGE.

Executive Office, January 15, 1840.

Mr. Brown moved that the memorial be referred to the committee on the judiciary.

Mr. Bell moved its reference to the committee on claims; which motion prevailed; and

On motion of Mr. Champlin, That portion of the message relating to the communication of the Secretary of State on insurance of capitol, was referred to the committee on the library.

And on motion of Mr. Stockton, The message was laid upon the table.

Mr. Harbaugh moved that the House adjourn until Monday next, to give opportunity to the several committees to make their reports.

And Mr. Hammond calling for the yeas and nays, the motion was lost, by the following vote:

YEAS.

| | | |
|-------------|---------------|---------------|
| Mr. Ashman, | Mr. Champlin, | Mr. Larue, |
| Mr. Bird, | Mr. Cook, | Mr. Stockton, |
| Mr. Brown, | Mr. Forbes, | Mr. Turner, |
| Mr. Button, | Mr. Harbaugh, | |

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NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Bailey, | Mr. Renwick, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Ingalls, | Mr. Pierce, |
| Mr. Bush, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Spencer, |
| Mr. Castle, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Steele, |
| Mr. Coleman, | Mr. McClelland, | Mr. Tucker, |
| Mr. Davis, | Mr. McDonald, | Mr. Underwood, |
| Mr. Dunham, | Mr. Miller, | Mr. Walker, |
| Mr. Foote, | Mr. Moran, | Mr. Williams, |
| Mr. Fuller, | Mr. Mulhollan, | Mr. Speaker, |

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LEAVE OF ABSENCE.

Mr. Stockton asked for and obtained leave of absence for Mr. Walker, until Monday.

Mr. Brown for Mr. Tucker, the same.

Mr. Dunham for Mr. Turner, the same.

Mr. Moran for Mr. Williams, the same.

Mr. Davis moved an adjournment of the House, which was lost, and,

On motion of Mr. LeBaron,

The House went into committee of the whole, on the "Bill to organize townships," Mr. Champlin in the chair.

After some time spent thereon, the committee rose and reported the bill back with amendments, which were adopted; and,

On motion of Mr. Hammond,

The same was referred to a special committee, consisting of Messrs. Hammond, Lathrop and Bell.

The Speaker then announced the following messages from the Senate, through their Secretary:

SENATE CHAMBER,
Wednesday, January 16, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House of Representatives, the "Joint resolution relative to the appointment of State Printer," and inform the House of Representatives, that the Senate have adopted the said resolution.

D. W. KELLOGG,
Secretary of the Senate.

And the resolution was ordered to be enrolled.

SENATE CHAMBER,
Thursday, January 16, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives, "Rules of the Senate and House of Representatives, in joint convention," which the Senate have adopted, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,
Secretary of the Senate.

And the same was referred to the special committee on joint rules.

SENATE CHAMBER,
Thursday, January 16, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives, "A bill to abolish the office of Bank Com-

missioners," which the Senate have passed, and respectfully ask the concurrence therein, of the House of Representatives.

D. W. KELLOGG,

Secretary of the Senate.

The same was referred to the committee on banks and incorporations.

SENATE CHAMBER, }
Friday, January 17, 1840. }

To the Speaker of the House of Representatives:

SIR—I herewith transmit to the House of Representatives, "A bill to extend the time for the collection of taxes, for the year 1839," and am instructed by the Senate to inform you, that they have passed the bill and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

And the same was referred to the committee on ways and means.

SENATE CHAMBER, }
Friday, January 17, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives, a joint resolution relative to the appointment of a joint committee, (of three from the Senate and four from the House of Representatives,) on so much of the Governor's message as relates "to the currency and the suspension of specie payment by the banks;" which resolution the Senate have passed, and respectfully ask the concurrence therein of the House of Representatives.

Also, I am instructed to inform you, that the committee appointed on the part of the Senate, under the resolution, consists of Messrs. Edmunds, Witherell and Gidley.

D. W. KELLOGG,

Secretary of the Senate.

And the same was referred to the committee on banks and incorporations.

And, on motion of Mr. Sprague, the House adjourned.

Saturday, January 18, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kundig.

The roll being called, the same members were present as yesterday, except Messrs. Tucker, Walker and Williams, who were absent on leave.

REPORTS.

Mr. Brown, from the committee on the militia, to whom was referred the petition of the Brady Guards, reported "A bill for the independent organization of the military corps called the Brady Guards," which was laid upon the table and ordered printed.

Mr. Harbaugh, from the select committee to whom was referred the joint resolution from the Senate respecting the "currency and the recent suspension of specie payments," reported the same back to the House with amendments, which was placed on the general order.

Mr. Harbaugh, chairman of the committee on banks and incorporations, to whom was referred the resolution instructing them to inquire into "the expediency of abolishing the safety fund system of banking in this state," at the request of the mover of said resolution, reported the same back to the House, and asked to be discharged from the further consideration of the subject. The report was accepted, and the committee discharged from the further consideration thereof.

Mr. Harbaugh, from the judiciary committee, reported "A bill to provide for filing chattel mortgages, and bills of sale of goods and chattels," which was read twice and placed upon the general order.

Mr. Fuller, from the committee on printing, made the following report in pursuance of a resolution instructing them "to inquire of the different printers of the city of Detroit, as to their respective prices, &c., to do, during the present session, the printing of the House of Representatives:"

The committee to whom was referred the resolution instructing them to inquire of the different printers of this city, the prices for which they will do the printing of this House during

its present session, and their opinion of the ability of each one to perform the labor, report, that they have made the inquiries which they were directed to make, by the resolution, and have received written answers from Messrs. Dawson & Bates, E. A. Theller, John S. Bagg, Cornelius Wendell and E. J. Roberts, of which the following is an abstract:

The terms of Messrs. Dawson & Bates, are

53 cents per thousand ems for composition,

55 " per token for press work.

Of E. A. Theller,

45 cents per thousand ems for composition,

55 " per token for press work.

Of Cornelius Wendell,

40 cents per thousand ems for composition,

40 " per token for press work; paper at market price.

Of E. J. Roberts,

50 per cent less than the established price by the law of 1839.

Mr. Bagg makes no definite proposals, but says he can do it cheaper than it can be done without loss, at any other office in the city. And that if it is to be let to the lowest bidder, he will do it, under the circumstances, at a very great reduction from the usual prices.

With regard to the ability of the above named gentlemen, to perform the contracts which they should enter into with the state, it is perhaps, needless to make any remarks or state any opinion, as all who have submitted any definite proposals, with the exception of Messrs. Dawson & Bates, who, no doubt would be prepared to do so, should it become necessary, would give such bonds to the state as should be required.

In concluding their report, your committee cannot refrain from the expression of the opinion, that a general law on this subject, by which some constitutional officer of government should be authorized, under proper rules and regulations, to procure the printing to be done for the state, would be attended with far less difficulty, embarrassment and expense, than to leave the matter as it now stands, at the disposal of the Legis-

lature. The feverish agitation of this question, at every new session of the legislature, though it may afford a gratifying excitement to those who need that element of existence, making too heavy drafts on the purse of the state for the people to remain long satisfied with any thing short of a permanent legal disposition of the subject.

All of which is respectfully submitted.

E. L. FULLER,

Chairman of Committee on Printing.

Which report was ordered to lie upon the table.

Mr. Backus, from the judiciary committee, to whom was referred the petition of William Wolcott and J. Walker, asking the passage of an act empowering them to dispose of certain real estate belonging to William F. Wolcott, a minor; also a petition of Guy C. Merrill and Abraham Cahill, for similar power; also another petition of Seth Fletcher, for like powers, reported adverse to the prayer of the petitioners, and on his motion, was discharged from the further consideration of the same.

On motion of Mr. Renwick,

The report was ordered printed.

(*See House Document No. 13.*)

Mr. Turner, from the committee on enrolment, reported as correctly enrolled, a "Resolution relative to State Printer."

The Speaker announced the following message from the Senate, by their Secretary, D. W. Kellogg, Esq.:

SENATE CHAMBER, }
Friday, January 17, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House of Representatives, "A bill to legalize the assessment of taxes in the county of Hillsdale," with an amendment, which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

Which amendment, on motion of Mr. Stockton, was concurred in, and the bill ordered enrolled.

The Chair announced a message from the Executive, in the words following :

To the House of Representatives :

I have the honor to state, that I have this day approved, signed and deposited in the office of the Secretary of State, "An act to provide for the election of United States Senator."

WILLIAM WOODBRIDGE.

Executive Office, January 18, 1840.

On motion of Mr. McClelland,

Resolved, That the committee on the judiciary inquire into the propriety of compelling the party applying for a struck jury, to pay the jurors, and report by bill or otherwise.

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of forming a new chancery circuit, to include the counties of Monroe, Lenawee, Hillsdale and Branch, and report by bill or otherwise.

Resolved, That the judiciary committee be instructed to inquire into the expediency of exempting from levy for taxes, the same articles that are, by law, exempt from execution, and report by bill or otherwise.

On motion of Mr. Spencer,

Resolved, That the committee on banks and incorporations be instructed to inquire into the expediency of repealing the "Act to organize and regulate banking associations," and of providing some more efficient and expeditious means of collecting claims against such institutions as have been in operation under the same, with leave to report by bill or otherwise.

Mr. Backus offered the following joint resolution, and on his motion, the rule was suspended, and the resolution passed :

Whereas, by a joint resolution of the Senate and House of Representatives, George Dawson has been appointed State Printer in the place of John S. Bagg; *and whereas*, many publications of notices required by law to be published in the state paper, have already been put in progress of publication in the Free Press, the state paper published by John S. Bagg, and

no provision is made in said joint resolution for preserving or providing for rendering effectual such publication of notices as have already been commenced; therefore,

Resolved by the House, (the Senate concurring,) That all notices, by law, required to be published in the state paper, which have already been commenced, shall be continued in the paper in which the same were commenced, although the state paper may be changed, and be as good and effectual as if the same paper continued to be the state paper.

Mr. Backus offered the following:

Resolved, That the clerks of the circuit courts, for the counties of Wayne, Macomb, and St. Clair, be requested to inform the House of Representatives, the number of civil causes commenced in their respective counties, at each term of the court, since the revised statutes took effect; the number of causes in which a jury has been called; the number of days which the court at each term has been in session; the number of causes which have been disposed of each term, and the number of causes now remaining in said courts, designating the time when they were respectively commenced.

Mr. Turner moved to amend the resolution so as to include the counties of Mackinac and Chippewa. The amendment being accepted by Mr. Backus, the resolution as amended, was adopted.

Mr. Ashman laid upon the table, the following joint resolution:

Resolved, (the Senate concurring,) That a joint committee of five, consisting of two members of the Senate and three members of the House, be appointed and authorized to inquire into the affairs of the Michigan state bank; their indebtedness to the state; their ability to pay, and to agree upon the terms of settlement with them, and report by bill or otherwise.

On motion of Mr. Renwick,

Resolved, That the committee on education, be instructed to inquire into the expediency of repealing the joint resolution of the Senate and House of Representatives of this state, approved March 30, 1838, authorizing the superintendent of public instruction, to furnish the Journal of Education to the inspec-

tors of primary schools, and each of the district boards in this state, and to deduct the amount of subscription for said copies from the moneys to be apportioned to each town and district, and report the result of their deliberations by resolution or otherwise.

Mr. McReynolds laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That Henry K. Sanger, cashier of the Bank of Michigan, be, and he is hereby appointed fiscal agent of this Legislature.

UNFINISHED BUSINESS.

Mr. Renwick called up for consideration his joint resolution of the 11th instant, relating to the suspension of the works of internal improvement, and the appraisal of damages on the same.

Mr. Hammond offered the following:

Resolved, That the clerk of the House be required to furnish a copy of the resolution to the commissioners of internal improvement, requiring them to report to this House without delay, to what extent the resolution will interfere with the public works, and in the mean time the resolution to lay upon the table.

The Chair decided that the question would be on laying the original resolution on the table, and the House refused to lay the same on the table by the following vote:

YEAS.

| | | | |
|---------------|-----------------|----------------|---|
| Mr. Bailey, | Mr. Hammond, | Mr. Mulhollan, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Turner, | 6 |

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. Miller, |
| Mr. Backus, | Mr. Dunham, | Mr. Moran, |
| Mr. Barbour, | Mr. Foote, | Mr. McReynolds, |
| Mr. Bell, | Mr. Fuller, | Mr. Newton, |
| Mr. Bird, | Mr. Gregory, | Mr. Pierce, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Steele, |

Mr. Champlin, Mr. LeBaron, Mr. Stockton,
Mr. Cook, Mr. Lathrop, Mr. Underwood,
Mr. Coleman, Mr. McDonald, Mr. Speaker, 39

Mr. McClelland moved to amend the resolution, by inserting the following after the word "thereof;"

"Unless the commissioners consider it prejudicial to the interests of the state;" and

Mr. Larue offered the following as a substitute for the amendment, which was lost:

"Except making necessary repairs upon such parts of the public works that are in actual operation."

The question then recurring upon Mr. McClelland's amendment to the resolution, it did not prevail.

Mr. Bell offered the following addition to the original resolution, which was lost:

"That the commissioners aforesaid, be required to report to this House, as early as practicable, whether, in their opinion, any part of the works of internal improvement now in progress, are liable to injury or decay, by the suspension of the works aforesaid, as contemplated in the foregoing resolution, and if so, that they designate the work, and describe the injury likely to result."

Mr. McClelland then offered the following amendment to the resolution:

"Provided however, that this resolution shall not prohibit the commissioners from repairing and preserving the works already commenced."

This amendment was lost by yeas and nays as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Bailey, | Mr. Dunham, | Mr. Miller, |
| Mr. Bell, | Mr. Hammond, | Mr. Mulholland, |
| Mr. Brown, | Mr. Ingalls, | Mr. Steele, |
| Mr. Bush, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, |
| Mr. Coleman, | | |

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Backus, | Mr. Gregory, | Mr. Newton, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Pierce, |

| | | |
|-------------|---------------|--------------|
| Mr. Bird, | Mr. Johnson, | Mr. Renwick, |
| Mr. Carr, | Mr. Larue, | Mr. Sanborn, |
| Mr. Castle, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Cook, | Mr. McDonald, | Mr. Sprague, |
| Mr. Davis, | Mr. Moran, | Mr. Speaker, |
| Mr. Foote, | | |

25

Mr. Spencer then offered the following amendment:

"Requiring the commissioners to suspend all the public works except such improvements as are absolutely necessary to the preservation of such works as are commenced, and to the operation of such portions of the works as are completed."

The Chair deciding that a similar amendment had been already rejected by the House, it was withdrawn.

Mr. Harbaugh offered the following amendment:

"Except to make all necessary repairs upon that portion of the Central railroad, lying between Detroit and Ann Arbor."

The Chair deciding that a similar amendment to this had been already rejected, it also was withdrawn.

Mr. Hammond moved the following amendment to the resolution, to be inserted after the words, "of internal improvement," which was adopted:

"Except the running of the cars on the Central railroad, once a day each way."

Mr. McClelland then moved to strike out all of the resolution, after the word "resolved."

Lost, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bailey, | Mr. Hammond, | Mr. Turner, |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. Mulhollan, | |

8

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. Miller, |
| Mr. Backus, | Mr. Foote, | Mr. Moran, |
| Mr. Barbour, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bell, | Mr. Gregory, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Brown, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bush, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Spencer, |
| Mr. Castle, | Mr. Larue, | Mr. Sprague, |

| | | |
|---------------|---------------|---------------|
| Mr. Cathcart, | Mr. LeBaron, | Mr. Steele, |
| Mr. Cook, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Coleman, | Mr. McDonald, | Mr. Speaker, |

36

The question recurring upon the original resolution, Mr. McReynolds offered the following as a substitute:

Resolved, by the Senate and House of Representatives: That the commissioners of internal improvement be, and they are hereby "directed to desist from any further progress in the construction of the works of internal improvement, in all cases which would not be an infringement of contracts already entered into by the commissioners, on the part of the state, and any individuals thereof, that no new engagement or contract shall be entered into by the aforesaid commissioners," for the purpose of progressing with any of said work, until the legislature shall otherwise direct.

Which substitute was lost, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Bailey, | Mr. Davis, | Mr. Newton, |
| Mr. Bell, | Mr. Dunham, | Mr. Renwick, |
| Mr. Brown, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Steele, |
| Mr. Champlin, | Mr. Miller, | Mr. Speaker, |
| Mr. Coleman, | Mr. McReynolds, | |

77

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. McDonald, |
| Mr. Backus, | Mr. Gregory, | Mr. Moran, |
| Mr. Barbour, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bush, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Keuny, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Stockton, |
| Mr. Cook, | Mr. LeBaron, | Mr. Turner, |
| Mr. Foote, | Mr. McClelland, | Mr. Underwood, |

27

Mr. Bell offered the following amendment to the original resolution, which was also lost:

Provided, That the said commissioners shall have power to repair any part of said works now in operation, and, to protect from injury or decay, all materials and such part of the work not completed, as are liable to decay or injury.

Mr. Sprague then moved to lay the whole subject upon the table.

This motion was lost, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-------------------|
| Mr. Bailey, | Mr. Hammond, | Mr. Sprague, |
| Mr. Bell, | Mr. McClelland, | Mr. Steele, |
| Mr. Bush, | Mr. Mulhollan, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McReynolds, | Mr. Underwood, 12 |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. McDonald, |
| Mr. Backus, | Mr. Foote, | Mr. Miller, |
| Mr. Barbour, | Mr. Fuller, | Mr. Moran, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Castle, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Larue, | Mr. Spencer, |
| Mr. Cook, | Mr. LeBaron, | Mr. Turner, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Speaker, 30 |

Mr. Bush then moved to refer the resolution to the committee on internal improvements, which motion was lost.

Mr. McReynolds moved to lay the resolution upon the table, which motion was lost.

The original resolution, as amended, was then adopted, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|---------------|
| Mr. Ashman, | Mr. Foote, | Mr. McDonald, |
| Mr. Backus, | Mr. Fuller, | Mr. Miller, |
| Mr. Barbour, | Mr. Gregory, | Mr. Moran, |
| Mr. Bird, | Mr. Ingalls, | Mr. Newton, |
| Mr. Brown, | Mr. Johnson, | Mr. Pierce, |
| Mr. Carr, | Mr. Kenny, | Mr. Renwick, |
| Mr. Castle, | Mr. Larue, | Mr. Spencer, |
| Mr. Cook, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Davis, | | 28 |

NAYS.

| | | |
|---------------|-----------------|-------------------|
| Mr. Bailey, | Mr. Dunham, | Mr. Sanborn, |
| Mr. Bell, | Mr. Hammond, | Mr. Sprague, |
| Mr. Bush, | Mr. McClelland, | Mr. Steele, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Champlin, | Mr. McReynolds, | Mr. Underwood, 15 |

The Speaker announced the following message from the Senate, by their Secretary, D. W. Kellogg, Esq.:

SENATE CHAMBER,
Saturday, January 18, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to you a joint resolution herewith, relative to directing "the commissioners of appraisement, and the commissioners of internal improvement to suspend all further proceedings," &c., and inform you that the Senate have passed the same, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

And the same was referred to the committee on internal improvement.

Mr. Renwick, from the committee on ways and means, to whom was referred the bill from the Senate entitled "A bill to extend the time for the collection of taxes for the year 1839," reported the same back to the House, and on his motion, the committee was discharged from the further consideration of the same.

The bill, on motion of Mr. Renwick, was then referred to the committee on the judiciary.

The Speaker announced a communication from the State Treasurer, accompanied with his report, which was, on motion of Mr. Bell, referred to the committee on ways and means.

(See House Document, No. 14.)

The House then adjourned.

Monday, January 29, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, all the members were present, except Mr. Hart who was absent on leave.

PETITIONS.

By Mr. Hammond. Of eighty-four inhabitants of Branch county, for the removal of the county seat of that county. Referred to the committee on towns and counties.

By Mr. Larue. Of James Rausted and others, residents of Bertrand, Berrien county, praying the passage of a law granting to school district number eight, one acre of land for the use of the school house now erected in said district, on the university lands.

Also, a remonstrance of Paul Smith and others, against the above petition. Referred to the committee on university and school lands.

By Mr. Champlin. Of ninety-two inhabitants of the town of Litchfield, in the county of Hillsdale, praying the suspension of the collection of debts for one year. Referred to the committee on banks and incorporations.

By Mr. Pierce. The petition of sundry inhabitants of Washtenaw county, praying for the extension of the time provided by law for overseers of highways to make return of non-resident highway taxes. Referred to the committee on the judiciary.

By Mr. Carr. Three several petitions of the citizens of the county of Washtenaw, for an extension of the time for paying taxes. Referred to the committee on the judiciary.

Also, one other petition from sundry inhabitants of the county of Washtenaw, for the abolishment of the office of county commissioners. Referred to the committee on ways and means.

REPORTS.

Mr. Howard, chairman of the committee on rules, to whom was referred the rules from the Senate, "for the government of the two houses in joint convention," reported the same back to the House without amendment, and recommended their adoption, which were read a third time and passed.

Mr. Backus, from the judiciary committee, to whom was referred the petition of J. Sprague, a minor, for power to convey certain lands, reported adverse to the same, and on motion, the committee was discharged from the further consideration of the subject.

Mr. Backus, from the same committee, to whom was referred the resolution relative to the election of State Treasurer,

reported the same back to the House without amendment, which, on motion of Mr. Harbaugh, was laid upon the table.

Also, reported back to the House the resolution, referred to them, relative to the clothing and sustenance of the prisoners in the state prison, which, on motion, of Mr. Backus, was referred to the committee on state prison.

Also, reported "A bill to provide for the more speedy decision and disposition of questions of law arising in civil causes," which was placed upon the general order, and the report accompanying the same, was, on motion of Mr. Harbaugh, laid upon the table.

Also, agreeable to previous notice, introduced "A bill to provide for the more effectual securing the benefits of the writs of prohibition and quod warrant, and for other purposes," which was referred to the committee on the judiciary.

Mr. Renwick, from the committee on ways and means, reported back the petition of Joseph Mills and others, asked for and obtained leave to be discharged from the further consideration of the subject, and on his motion, the same was referred to the committee on the judiciary.

Also, a like report on the resolution relative to the collection of taxes for 1839; same reference.

Mr. Hammond, from the select committee, to whom was referred "A bill for the organization of townships," reported a substitute for the same, which was placed upon the general order.

Mr. Turner, from the committee on enrolment, reported as correctly enrolled, "An act to legalize the assessment of taxes in the county of Hillsdale."

RESOLUTIONS AND NOTICES.

Mr. Harbaugh gave notice that, at some future day he would ask leave to introduce a bill to incorporate a company by the name and style of Grand River turnpike company.

Mr. Bush gave notice that he should, at some future day, ask leave to introduce a bill to provide for the disposition of prisoners apprehended within the county of Ingham.

Mr. McClelland submitted the following preamble and resolution:

Whereas, Cornelius Wendell has proposed to do the printing of the House of Representatives, for forty cents per one thousand ems for composition, per token, for press work, and to furnish the paper used in printing at market price, therefore,

Resolved, That the printing of the House of Representatives, during the present session of the Legislature, be executed by the said Cornelius Wendell, and that he be allowed the above price for the same, and the market price for the paper used for that purpose.

Mr. Harbaugh moved to lay the same upon the table.

Mr. McClelland called for the yeas and nays, and the motion to lay upon the table prevailed; by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Coleman, | Mr. Larue, |
| Mr. Backus, | Mr. Davis, | Mr. LeBaron, |
| Mr. Barbour, | Mr. Foote, | Mr. Lathrop, |
| Mr. Bird, | Mr. Fuller, | Mr. Miller, |
| Mr. Brown, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Button, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Carr, | Mr. Howard, | Mr. Pierce, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Champlin, | Mr. Johnson, | Mr. Tucker, |
| Mr. Cook, | Mr. Kenny, | Mr. Speaker, 30 |

NAYS.

| | | |
|---------------|-----------------|------------------|
| Mr. Axford, | Mr. Hammond, | Mr. Spencer, |
| Mr. Bailey, | Mr. McClelland, | Mr. Steele, |
| Mr. Bell, | Mr. McDonald, | Mr. Stockton, |
| Mr. Bush, | Mr. Moran, | Mr. Turner, |
| Mr. Cathcart, | Mr. Mullan, | Mr. Walker, |
| Mr. Dupham, | Mr. Sanborn, | Mr. Williams, 18 |

On motion of Mr. Harbaugh,

Resolved, That in pursuance of the provisions of the constitution of the United States, requiring the election of Senators to the Congress of the United States, by the legislatures of the several states, and in pursuance of the provisions of an act entitled "An act to provide for the election of United States Senator," approved January 18, A. D. 1840, this House will now proceed to openly nominate one person for the office of Senator, to fill the vacancy which now exists in the representation

of this state, in the Senate of the United States, by the expiration of the term of service of the Hon. Lucius Lyon, and shall continue from day to day, until the House shall make said nomination.

Mr. Howard moved a call of the House, and all the members were present except Mr. Hart, who was absent on leave, and Messrs. Forbes and Underwood. Mr. Underwood was excused on account of indisposition, and further proceedings under the call were dispensed with.

The House now proceeded to the nomination of a Senator to Congress.

The roll being called, each member rose in his place, and nominated as follows :

FOR AUGUSTUS S. PORTER,

| | | | |
|---------------|---------------|---------------|----|
| Mr. Barbour, | Mr. Foote, | Mr. McDonald, | |
| Mr. Bird, | Mr. Fuller, | Mr. Miller, | |
| Mr. Brown, | Mr. Gregory, | Mr. Newton, | |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, | |
| Mr. Carr, | Mr. Ingalls, | Mr. Renwick, | |
| Mr. Castle, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Champlin, | Mr. Kenny, | Mr. Spencer, | |
| Mr. Cook, | Mr. Larue, | Mr. Sprague, | |
| Mr. Coleman, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Davis, | Mr. Lathrop, | Mr. Speaker, | 30 |

FOR EPAPHRODITUS RANSOM,

| | | | |
|-------------|---------------|----------------|---|
| Mr. Bailey, | Mr. Cathcart, | Mr. Mulhollan, | |
| Mr. Bell, | Mr. Dunham, | Mr. Walker, | |
| Mr. Bush, | Mr. Hammond, | | 8 |

FOR JOHN BIDDLE.

| | | | |
|-------------|-------------|-----------------|---|
| Mr. Backus, | Mr. Howard, | Mr. McReynolds, | 3 |
|-------------|-------------|-----------------|---|

FOR ABRAM EDWARDS,

| | | | |
|-------------|-----------------|---------------|---|
| Mr. Axford, | Mr. McClelland, | Mr. Stockton, | 3 |
|-------------|-----------------|---------------|---|

FOR ROSS WILKINS,

| | | | |
|-------------|-------------|---------------|---|
| Mr. Moran, | Mr. Turner, | Mr. Williams, | 4 |
| Mr. Steele, | | | |

FOR ZINA PITCHER,

| | | | |
|-------------|--|--|---|
| Mr. Ashman, | | | 1 |
|-------------|--|--|---|

On motion of Mr. Harbaugh,

Resolved, That a committee of two be appointed to inform the Senate that the House of Representatives has nominated,

in pursuance of law, a person for the office of Senator to the Congress of the United States, and that said committee also inform the Senate, that whenever they shall have nominated a person for said office, the House of Representatives will immediately meet the Senate, in the hall of the House of Representatives, to ascertain if the Senate and House of Representatives have agreed in their nominations.

The Speaker announced as such committee, Messrs. Harbaugh and Hammond.

On motion of Mr. McClelland,

The same committee was empowered to conduct the Senators to their seats in the hall of the House of Representatives.

The Speaker announced the following message from the Senate, by their Secretary, D. W. Kellogg, Esq.:

SENATE CHAMBER,
Monday, January 20, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, respectfully to inform you that the Senate has nominated, in pursuance of law, a person for the office of Senator to the Congress of the United States; also to inform you that whenever the House of Representatives shall have nominated a person for said office, and inform the Senate thereof, the Senate will immediately meet the House of Representatives in their Hall, to ascertain if the Senate and House of Representatives have agreed in their nominations.

D. W. KELLOGG,
Secretary of the Senate.

IN JOINT CONVENTION.

The convention was called to order by the President of the Senate. The names of the Senators being called by the Secretary of the Senate, they were all present except Mr. Murphy, absent on leave.

The names of the Representatives being then called, by the Clerk of the House, they were all present except Messrs. Forbes, Hart and Underwood.

The President of the Senate, after comparing with the

Speaker of the House of Representatives, the nominations made by the two houses, of a person for the office of Senator to represent this state in the Senate of the United States, and finding the nominations did agree, declared that Augustus S. Porter was duly elected Senator to Congress, to represent this state in the Senate of the United States, for six years from the 4th day of March, A. D. 1839.

On motion of Mr. Witherell, of the Senate, the convention did then adjourn *sine die*.

DAN W. KELLOGG,

Secretary of the Senate.

MARK HOWARD,

Clerk of the House of Representatives.

The Speaker then called the House to order, and after announcing the result of the joint convention,

On motion of Mr. McClelland, the House adjourned.

Tuesday, January 21, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, all the members were present except Mr. Hart, who was absent on leave.

PETITIONS.

By Mr. Barbour. Of sundry inhabitants of Kalamo, in Eaton county, remonstrating against a division of said township. Referred to committee on towns and counties.

By Mr. Walker. Of Numan C. Griswold and others, praying for the passage of an act to authorize William H. Griswold, a minor, to convey certain lands. Referred to committee on judiciary.

Mr. Harbaugh presented the claim of Oren Marsh, for services as librarian. Referred to committee on claims.

REPORTS.

Mr. Howard, from the committee on internal improvements, to whom was referred a joint resolution from the Senate, rela-

tive to the suspension of the functions of the board for the appraisal of damages, and the suspension of operations by the board of internal improvements, so far as relates to new contracts, &c., reported the same back to the House without amendment, and on his motion, the same was laid upon the table.

Mr. Champlin, from the committee on towns and counties, to whom was referred a petition from sundry inhabitants of Cass county, praying for the abolishment of certain township offices, reported adverse to the same, and on motion, the committee was discharged from the further consideration of the subject.

Mr. Backus, from the committee on the judiciary, to whom was referred a resolution respecting the abolishment of all that portion of the revised statutes which provides for the appointment of special messengers in certain cases, reported the same back to the House, and the committee was discharged from the further consideration of the subject.

Also, reported back to the House, a resolution referred to them, respecting the fees of district canvassers, and on motion, the committee was discharged from the further consideration of the subject; and the resolution, on motion of Mr. Backus, was referred to the committee on towns and counties.

Mr. Spencer, from the select committee to whom was referred that portion of the Governor's message which relates to the subject of "securing a full representation of this state in the congress of the United States, at the earliest practicable period," made a report thereon, accompanied by the following preamble and resolutions:

(See House Document, No. 15.)

Whereas, by an act of Congress, entitled "An act to admit the state of Michigan into the Union, upon an equal footing with the original states," approved January 26, 1837, the state of Michigan "was admitted into the Union on an equal footing with the original states, in all respects whatsoever:"

And whereas, the state of Michigan did then contain more

than the requisite number of inhabitants to entitle her to three representatives in Congress:

And whereas, said act should have, but did not, expressly recognize, to this state, the constitutional privilege of choosing three representatives to Congress:

And whereas, the interests of this state demand that she should have her just representation in the Congress of the United States: therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representative in Congress, be requested to urge and respectfully insist upon the early passage of an act of Congress, expressly giving to the state of Michigan, the privilege of choosing three Representatives to the Congress of the United States, until another Congressional apportionment be made.

Resolved, That the Secretary of State be, and he is hereby required to make out certificates of the official returns of the enumeration made by this state, in 1837, of the inhabitants thereof, under his hand, and the seal of the state, and transmit the same to the Secretary of State of the United States, and one to each of our Senators and Representative in Congress, together with copies of this, the foregoing preamble and resolutions.

The Chair announced a message from the Executive in the words following:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, a joint resolution concerning the appointment of a State Printer.

WILLIAM WOODBRIDGE.

Executive Office, January 20, 1840.

Also the following message from the Senate, by their Secretary, D. W. Kellogg, Esq.:

SENATE CHAMBER,
Tuesday, January 21, 1840. }

To the Speaker of the House of Representatives:

SIR—The Senate has instructed me to transmit a joint resolution, relative to the election of State Treasurer, which they

have passed, and in which the concurrence of the House of Representatives is respectfully asked.

D. W. KELLOGG,

Secretary of the Senate.

And the resolution was, on motion of Mr. Harbaugh, laid upon the table.

Mr. Harbaugh called up his resolution relative to the election of State Treasurer, and on his motion the blank was filled with Thursday the 23d instant at 12 o'clock, M., for the meeting of the joint convention for that purpose.

The question being upon the passage of the resolution as amended, Mr. McClelland calling for the yeas and nays, it was adopted by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Gregory, | Mr. Newton, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bird, | Mr. Howard, | Mr. Renwick, |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |
| Mr. Castle, | Mr. Kenny, | Mr. Sprague, |
| Mr. Champlin, | Mr. Larue, | Mr. Stockton, |
| Mr. Cook, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Davis, | Mr. McDonald, | Mr. Speaker, |
| Mr. Foote, | | |

37

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Bailey, | Mr. Hammond, | Mr. Steele, |
| Mr. Brown, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. Moran, | Mr. Walker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Dunham, | | |

13

RESOLUTIONS.

Mr. Howard laid upon the table the following:

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representative in Congress, be requested to use their exertions in promoting the passage of a law extending to the members of legislatures of

the several states of the Union while in session, the franking privilege.

Mr. Howard also offered the following, which was laid up-
on the table:

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of surrendering the entire southern railroad to any responsible company or association who will complete the same as far as Hillsdale within a reasonable time, and keep it in repair and operation for the term of years.

On motion of Mr. Walker,

Resolved, That the committee on the judiciary be instructed to inquire whether any amendment is necessary in "An act relative to trunks, baggage and other unclaimed property," approved April 16, 1839.

Mr. Davis gave notice, that on some future day he should ask leave to bring in a bill to authorize the Superintendent of Public Instruction to reduce the price of certain university lands in the county of Oakland.

Mr. Ashman called up the joint resolution, inquiring into the affairs of the Michigan state bank, which, on motion of Mr. Hammond, was laid upon the table.

Mr. Harbaugh called up the report relative to the joint resolution from the Senate respecting the "currency, and the recent suspension of specie payments."

The amendments reported by the committee, were then adopted; and the resolution, as amended, was as follows:

Resolved, (the House of Representatives concurring,) That a joint committee of three members of the Senate and five members of the House of Representatives be appointed, to whom shall be referred so much of the Governor's message as relates to the "currency of this state," with instructions to investigate the causes of the recent suspension of specie payments by the Bank of Michigan, and the Farmers' and Mechanics' bank of Michigan, in the city of Detroit; and also, to investigate the present condition and affairs of said banks, with power to send for persons and papers. And that said

committee report jointly the result of their investigations to the Senate and House of Representatives.

Mr. Turner moved to amend the above by inserting the following, after the word "papers," which was adopted:

"That the vaults of both banks be examined at the same time, one by that portion of the committee appointed by the Senate, and the other by that portion appointed by the House, or on any other principle of division, which the committee may think proper to adopt."

And the resolution as amended, was adopted.

The Chair then announced as such committee on the part of the House, Messrs. Larue, McClelland, Brown, Turner and Champlin.

Mr. McClelland, by his request, was excused from serving on said committee, and Mr. Stockton thereupon was substituted.

On motion of Mr. Stockton,

The House then went into committee of the whole, on the bill "to provide for the disposition of prisoners apprehended within the county of Macomb," Mr. Howard in the chair.

After some time spent thereon, and making sundry amendments thereto, the committee rose, and reported the same back to the House. The amendments were concurred in; and

On motion of Mr. Backus,

The words "before that time" were inserted in the second line of the third section, after the word "shall."

On motion of Mr. Stockton,

The bill was then ordered engrossed, and made the special order for to-morrow.

On motion of Mr. Lathrop,

The House went into committee of the whole, on the bill "to provide for the payment of guards, and the sustenance and clothing of the prisoners confined in the state prison at Jackson," Mr. Champlin in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with amendments, which were concurred in; and

On motion of Mr. McClelland, to lay the bill upon the table, Mr. Lathrop calling for the yeas and nays, it was decided, as follows:

YEAS.

| | | |
|---------------|-----------------|------------------|
| Mr. Ashman, | Mr. Coleman, | Mr. McDonald, |
| Mr. Axford, | Mr. Davis, | Mr. Miller, |
| Mr. Backus, | Mr. Dunham, | Mr. Moran, |
| Mr. Bailey, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Bell, | Mr. Fuller, | Mr. Newton, |
| Mr. Bush, | Mr. Gregory, | Mr. Pierce, |
| Mr. Button, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Castle, | Mr. Howard, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Turner, |
| Mr. Champlin, | Mr. Johnson, | Mr. Underwood, |
| Mr. Cook, | Mr. McClelland, | Mr. Williams, 39 |

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Bird, | Mr. Steele, | Mr. Walker, |
| Mr. Kenny, | Mr. Stockton, | Mr. Speaker, |
| Mr. Lathrop, | | 7 |

On motion, the House then adjourned.

Wednesday, January 22, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Elliott.

The roll being called, the same members were present as yesterday.

PETITIONS.

By Mr. Hammond. Of Lemuel Bingham, a settler on the university lands, for relief. Referred to select committee on university and school lands.

By Mr. Larue. Of William Bodge and others, settlers on the university lands in Berrien county, praying for relief. Same reference.

By Mr. Castle. Of S. M. Green and others, praying a law legalizing the acts of certain township officers in Shiawassee county. Referred to the committee on judiciary.

By the same. Of John Woodhull and others, remonstrating against a division of towns five and six north, range one east. Referred to the committee on towns and counties.

By Mr. Harbaugh. Of Garry Spencer, late treasurer of the county of Wayne, praying for relief. Referred to the committee on claims.

By Mr. Walker. Of Benjamin C. Cox, praying for compensation for services therein mentioned. Referred to the committee on claims.

REPORTS.

Mr. Backus, from the committee on the judiciary, to whom was referred the petition of Numan C. Griswold and others, praying for the passage of a law to authorize William H. Griswold, a minor, to convey certain lands, reported the same back to the House, and on motion, the committee was discharged from the further consideration of the subject.

Also, reported back to the House, without amendment, the "Bill to provide for the more effectual securing the benefits of the writs of prohibition and quo warranto, and for other purposes," which was placed upon the general order, and referred to the committee of the whole.

Also, reported back to the House, without amendment, "A bill to provide for the collection of unpaid highway taxes, and to equalize the same, and for other purposes," which was placed upon the general order.

Mr. Champlin, from the committee on towns and counties, to whom was referred a resolution relative to the passage of a law, fixing the rate of fees to be paid district canvassers, reported the same back to the House, and on motion, the committee was discharged from the further consideration of the subject.

Mr. Hammond, from the judiciary committee, to whom was referred the bill from the Senate, "to extend the time for the collection of taxes for the year 1839," reported back to the House the same, with amendments, and an accompanying report.

The bill was placed upon the general order, and the report was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Tuesday, January 21, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Joint resolution relative to appointment of State Treasurer," and respectfully inform you, that they have concurred in the same.

Also, herewith, I am instructed to transmit to the House of Representatives, a "Joint resolution relative to making certain requirements of the Auditor General," which the Senate have passed, and respectfully ask the concurrence of the House of Representatives.

D. W. KELLOGG,

Secretary of the Senate.

And the resolution was referred to the committee on internal improvements.

RESOLUTIONS.

On motion of Mr. Bush,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so altering part first, title fifth, chapter fifth, of the revised statutes, that delinquent taxes may be collected by the treasurers of the different counties of this state, and not be returned to the Auditor General; and that the committee be requested to report by bill or otherwise.

On motion of Mr. Bell,

Resolved, That two members be added to the select committee appointed to report "A bill for the relief of certain settlers upon the university and other state lands."

The Chair announced as such additional members, Messrs. Larue and Turner.

On motion of Mr. Foote,

Resolved, That the committee on the militia be instructed to inquire into the expediency of so amending the militia law, that those officers who held commissions under the territorial law,

and whose offices were vacated by the re-organization of the militia, shall, unless re-elected to their respective offices, stand as supernumeraries, until they serve out the remainder of the term of their service, required by law, and that they report by bill or otherwise.

On motion of Mr. Pierce,

Resolved, That two hundred copies of the report of the commissioners of internal improvements, for the year 1839, be printed and distributed among the members of this House, for their use.

Mr. Spencer offered the following:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of concentrating the funds accruing to the state, whether from the five million loan, from the university and school lands, from the general government, or from any other source, in some safe bank or banks of this state, under safe and judicious provisions and regulations, as a basis, in part, for a proper issue and circulation of bank paper, at all times redeemable in specie, for the early relief of the pecuniary embarrassments of the people of this state; providing, in the suggested arrangement, for the just interests and necessary calls of the state, for such disbursements as the state may require, under a rigid system of retrenchment of her expenditures, in all the operations and measures which may draw upon such sources; and that said committee be requested to report thereon at the earliest day practicable.

On motion of Mr. Tucker, the resolution was laid on the table.

On motion of Mr. Stockton,

Ordered that five hundred copies of the special message of the Executive of the 17th inst., with the accompanying documents, be printed for the use of the House.

(See House Document No. 16.)

Mr. McReynolds called up for consideration, his resolution of the 18th inst. for the appointment of a fiscal agent.

On motion of Mr. Hammond, the resolution was laid upon the table.

Mr. Howard called up his resolution of yesterday, requesting

our Senators and Representative in Congress, to use their exertions to procure the passage of a law extending the franking privilege to members of the different state legislatures.

Mr. Hammond moved to amend the same by adding, "and also use their endeavors to procure a reduction of the rates of postage fifty per cent, from present prices," which motion did not prevail.

And the question recurring on the resolution, it was adopted.

On motion of Mr. Ashman,

The House took up for consideration his resolution relative to the investigation of the Michigan state bank.

On motion of Mr. Renwick,

The resolution was referred to the committee on banks and incorporations.

On motion of Mr. Stockton,

The special order was taken up, being the bill to provide for the disposition of prisoners apprehended within the county of Macomb, which was read a third time and passed.

On motion of Mr. Ingalls to adjourn, Mr. Lathrop calling for the yeas and nays, it was negatived as follows:

YEAS.

| | | |
|--------------|---------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Axford, | Mr. Fuller, | Mr. Newton, |
| Mr. Bailey, | Mr. Howard, | Mr. Stockton, |
| Mr. Brown, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Bush, | Mr. Johnson, | Mr. Turner, |
| Mr. Castle, | Mr. Larue, | Mr. Walker, |
| Mr. Coleman, | Mr. McDonald, | Mr. Williams, |
| Mr. Davis, | | |

22

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Forbes, | Mr. Moran, |
| Mr. Bell, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hammond, | Mr. Pierce, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Spencer, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Steele, |
| Mr. Cook, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. Miller, | Mr. Speaker, |

27

On motion of Mr. Champlin,

The House went into committee of the whole on the substitute for the "bill to organize townships," Mr. LeBaron in the chair.

After some time spent thereon, the committee rose and reported the same back with amendments, which were concurred in, and,

On motion of Mr. Bell the bill was re-committed to the select committee on that subject.

On motion of Mr. Champlin,

The House took up the "bill to organize certain townships, and for other purposes," which was read a third time and passed.

On motion of Mr. Champlin, the House resolved itself into committee of the whole, on the "bill to provide for filing chattel mortgages and bills of sale of goods and chattels," Mr. Hammond in the chair.

After some time spent thereon, the committee rose, and reported progress, asked, and obtained leave to sit again.

On motion of Mr. Howard, to adjourn, Mr. Tucker calling for the yeas and nays, it prevailed by the following vote:

YEAS.

| | | |
|---------------|---------------|---------------|
| Mr. Ashman, | Mr. Cook, | Mr. Johnson, |
| Mr. Axford, | Mr. Foote, | Mr. Larue, |
| Mr. Bailey, | Mr. Forbes, | Mr. McDonald, |
| Mr. Bell, | Mr. Fuller, | Mr. Miller, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Button, | Mr. Hammond, | Mr. Spencer, |
| Mr. Castle, | Mr. Harbaugh, | Mr. Turner, |
| Mr. Cathcart, | Mr. Howard, | Mr. Speaker, |
| Mr. Champlin, | | |

25

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Backus, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Brown, | Mr. Lathrop, | Mr. Steele, |
| Mr. Bush, | Mr. McClelland, | Mr. Stockton, |
| Mr. Carr, | Mr. Moran, | Mr. Tucker, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Davis, | Mr. McReynolds, | Mr. Walker, |
| Mr. Ingalls, | Mr. Pierce, | Mr. Williams, |
| Mr. Kenny, | Mr. Sanborn, | |

23

On motion, the House adjourned.

Thursday, January 23, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, the same members were present as yesterday.

PETITIONS.

By Mr. Davis. Of sundry inhabitants of Oakland county, four several petitions praying for a repeal of the county commissioner system, and the re-organization of the supervisor system. Referred to the committee on the judiciary.

By Mr. Renwick. A claim of Elias P. Drake, for publishing certain orders by adjutant general. Referred to committee on claims.

REPORTS.

Mr. Bell, from the select committee to whom was referred the petition of Lemuel Bingham, a settler on the university lands, praying relief, reported the same back to the House, and on motion, was discharged from the further consideration of the subject.

On motion of Mr. Hammond,

The petition was laid upon the table.

The Speaker announced the following message from the Senate:

SENATE CHAMBER, }
Wednesday, January 22, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed respectfully to inform you, that the Senate have concurred in the amendments by the House of Representatives, to the joint resolution relative "to the investigation of the Bank of Michigan, and the Farmers' and Merchants' bank."

D. W. KELLOGG,

Secretary of the Senate.

RESOLUTIONS AND NOTICES.

On motion of Mr. Backus,

Resolved, That the committee on towns and counties, be instructed to inquire into the expediency of providing, by law, for the more speedy settlement of disputed township lines.

On motion of Mr. Hammond,

Resolved, That the Treasurer of this state be required to inform the House, without delay, what amount of school moneys apportioned to the several counties of this state, for the year 1838, remain unpaid; and to what counties such moneys are due.

On motion of Mr. Moran,

Resolved, That the judiciary committee be instructed to inquire into the expediency of legalizing the acts of the collector of the city of Detroit, and report by bill, as soon as practicable.

On motion of Mr. Hammond,

Resolved, That the committee on printing be instructed to inquire into, and present a statement in detail, to this House, showing what documents have been printed for the use of this House, and the number of each, and whether the same have been printed by the order of this House, or the different departments of the government; and further, what part of said documents have been laid on the tables of the members, and that said committee be requested to report on to-morrow.

Mr. Lathrop offered the following resolutions:

Resolved, by the House of Representatives of the State of Michigan, That taking into consideration the large amount of money necessary for the support of the officers of the state government, and their immediate wants, and also in view of the fact that they receive from three to six dollars per day for their services, it becomes this legislature to look well to the means requisite for such payment, and adding to the above reasons, one more for the purpose of making the course of this House more clear, viz: the present indebtedness of the treasury, which, it is presumed, is in the hands of wealthy men, or more wealthy corporations, thereby making it imperative on this House, to provide for the payment thereof. That this House will not recognize the claim of such men as have no other means of support than the labor of their hands, and who have, with a most reckless disregard of their interest and duties, confined themselves for about the space of one year as

guards of the state prison, without any remuneration for the same, and moreover specifying and agreeing to receive only one dollar and twenty-five cents per day for such services, and that all future legislation on the part of this House be in reference to the foregoing resolution; and be it further

Resolved, That the agent of said prison be directed to use his utmost endeavors to persuade the prisoners now confined in said prison to remain at said prison without the help of guards, and also that the said prisoners be required to board themselves.

On motion of Mr. Lathrop,

The resolutions were laid upon the table.

The Speaker called Mr. Tucker to the chair.

Mr. Bell gave notice that on some future day he should ask leave to introduce a bill for the relief of the county of Ottawa.

On motion of Mr. Champlin,

The House went into committee of the whole, Mr. McClelland in the chair, on the "Bill to provide for the more speedy decision and disposition of questions of law, arising in civil causes."

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, and the amendments having been concurred in,

On motion of Mr. McClelland, the bill was laid upon the table.

Mr. Turner, from the committee on enrolment, reported as correctly enrolled "A joint resolution relative to the appointment of State Treasurer."

Mr. McReynolds called up for consideration his joint resolution relative to the appointment of fiscal agent.

Mr. Turner offered the following as a substitute:

Resolved, That the Treasurer of the state be required, and he is hereby authorized to perform all such duties necessary to defray the current expenses of the Legislature, as have heretofore been performed by the "fiscal agent of the state."

Mr. Hammond offered the following amendment to the substitute, which was accepted by Mr. Turner.

Resolved, (If the Senate concur,) That the Treasurer of this

state be, and he is hereby appointed fiscal agent of this Legislature for the payment of its members and officers, and the incidental expenses of the same, and for the purpose of procuring the necessary funds for that purpose, he is hereby authorized and empowered to draw his drafts on R. Withers, Esq., trustee of this state on account of the April instalment of the five million loan, which drafts may be of sums not less than two hundred and fifty dollars each, and which he is authorized to dispose of to merchants, bankers or others, and receive therefor specie, or funds equivalent thereto, for the best price he can obtain not less than their par value, and he shall register the same, date, amount, and to whom payable, and make report to this Legislature, on the first days of February and March next, if they shall then be in session, of all his doings under this resolution, and for the performance of these duties he shall receive no additional compensation.

The question being upon the adoption of Mr. Hammond's amendment, pending which,

On motion of Mr. Harbaugh,

The resolution, with amendments, were laid upon the table.

The Chair announced the following message from the Executive, by L. Bruce, Esq.:

To the House of Representatives:

I have this day approved, signed and deposited, in the office of the Secretary of State, a joint resolution entitled "A resolution relative to the election of a State Treasurer."

WILLIAM WOODBRIDGE.

Executive Office, January 23, 1840.

On motion of Mr. McReynolds,

The Chair appointed Messrs. McReynolds and Bell a committee to inform the Senate that the House is ready to meet the Senate in joint convention and proceed to the election of a State Treasurer.

After a short absence the committee returned and reported that they had discharged the duty assigned them.

Mr. McReynolds moved a call of the House, when it ap-

peared that all the members were present except Messrs. Renwick and Hart, who were absent on leave.

On motion of Mr. Harbaugh,

Further proceedings under the call were dispensed with.

A committee from the Senate, consisting of Messrs. Summers and Hawkins, announced that the Senate were now ready to meet the House in joint convention for the purpose of electing a State Treasurer.

On motion of Mr. McClelland,

The Chair announced Messrs. McClelland and Brown as a committee to conduct the Senators to their seats in the hall of the House of Representatives.

IN JOINT CONVENTION.

The convention met in the hall of the House of Representatives, and the President of the Senate, taking the chair by the side of the Speaker of the House, called the convention to order.

The Secretary of the Senate called the names of the Senators. All were present.

The Clerk of the House of Representatives then called the names of the members of the House. All present except Mr. Hart, absent on leave.

The President of the Senate announced that the convention were in session, for the purpose of appointing a State Treasurer, to supply the vacancy occasioned by the resignation of Henry Howard, for the residue of the term for which he was appointed, on the 13th day of March, A. D. 1838.

And also, to appoint a person to the same office for the term of two years, to commence from and after the term aforesaid, whereupon,

The secretary of the Senate calling the names of the Senators, they severally voted, except Messrs. Summers and Witherevell, *viva voce*, for a person to supply the vacancy, as follows, to wit:

FOR ROBERT STUART,

Mr. Bridge,
Mr. Drake,
Mr. Edmunds,

Mr. Hawkins,
Mr. Jones,
Mr. Lacey,

Mr. LeRoy,
Mr. Rice,
Mr. Trowbridge, 9

FOR PETER DESNOYERS,

| | | | |
|----------------|--------------|--------------|---|
| Mr. Adam, | Mr. Gidley, | Mr. McCamly, | |
| Mr. Etheridge, | Mr. Greenly, | Mr. Murphy, | 6 |

The Clerk of the House of Representatives calling the names of the Representatives, they voted, *viva voce*, to supply the vacancy, as follows:

FOR ROBERT STUART,

| | | | |
|---------------|---------------|----------------|----|
| Mr. Ashman, | Mr. Fuller, | Mr. McDonald, | |
| Mr. Barbour, | Mr. Gregory, | Mr. Miller, | |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, | |
| Mr. Carr, | Mr. Howard, | Mr. Renwick, | |
| Mr. Castle, | Mr. Kenny, | Mr. Sanborn, | |
| Mr. Champlin, | Mr. Larue, | Mr. Spencer, | |
| Mr. Cook, | Mr. LeBaron, | Mr. Underwood, | |
| Mr. Forbes, | Mr. Lathrop, | Mr. Speaker, | 24 |

FOR PETER DESNOYERS,

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Axford, | Mr. Dunham, | Mr. Mulhollan, | |
| Mr. Bailey, | Mr. Hammond, | Mr. Stockton, | |
| Mr. Bell, | Mr. McClelland, | Mr. Walker, | |
| Mr. Bush, | Mr. Moran, | Mr. Williams, | 13 |
| Mr. Cathcart, | | | |

FOR DAVID FRENCH,

| | | | |
|------------|--------------|--------------|---|
| Mr. Davis, | Mr. Ingalls, | Mr. Johnson, | 4 |
| Mr. Foote, | | | |

FOR MERRITT D. COBB,

| | | | |
|------------|-------------|-------------|---|
| Mr. Brown, | Mr. Newton, | Mr. Tucker, | 3 |
|------------|-------------|-------------|---|

FOR THOMAS ROWLAND,

| | | | |
|-------------|--|--|---|
| Mr. Button, | | | 1 |
|-------------|--|--|---|

FOR ALFRED HARTSHORN,

| | | | |
|--------------|--|--|---|
| Mr. Coleman, | | | 1 |
|--------------|--|--|---|

FOR JOHN PALMER,

| | | | |
|-------------|--|--|----|
| Mr. Backus, | | | 12 |
|-------------|--|--|----|

Mr. Summers, of the Senate, asked to be excused from voting, which request was not granted, the vote being taken.

Mr. Hammond, of the House, moved to reconsider the vote not excusing Mr. Summers, which motion prevailing, and the question being renewed, he was excused.

Mr. Witherell, of the Senate, and Messrs. McReynolds, Sprague, Steele and Turner, of the House, were severally excused from voting.

The President then declared that Robert Stuart was duly appointed State Treasurer, to supply the vacancy occasioned by the resignation of Henry Howard, for the residue of the term for which he was appointed on the 13th day of March, A. D. 1838.

The vote then being taken for State Treasurer for two years, to commence from and after the expiration of the term aforesaid, it resulted as follows:

Senators.

FOR ROBERT STUART,

| | | | |
|--------------|--------------|-----------------|----|
| Mr. Bridge, | Mr. Hawkins, | Mr. LeRoy, | |
| Mr. Drake, | Mr. Jones, | Mr. Rice, | |
| Mr. Edmunds, | Mr. Lacey, | Mr. Trowbridge, | |
| Mr. Gidley, | | | 10 |

FOR PETER DESNOYERS,

| | | | |
|----------------|--------------|-------------|---|
| Mr. Adam, | Mr. Greenly, | Mr. Murphy, | |
| Mr. Etheridge, | Mr. McCamly, | | 5 |

FOR MERRITT COBB,

| | | | |
|--------------|--|--|---|
| Mr. Summers, | | | 1 |
|--------------|--|--|---|

FOR MERRITT D. COBB,

| | | | |
|----------------|--|--|---|
| Mr. Witherell, | | | 1 |
|----------------|--|--|---|

Representatives.

FOR ROBERT STUART,

| | | | |
|---------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Hammond, | Mr. McReynolds, | |
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Barbour, | Mr. Howard, | Mr. Pierce, | |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, | |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Castle, | Mr. Kenny, | Mr. Spencer, | |
| Mr. Champlin, | Mr. Larue, | Mr. Sprague, | |
| Mr. Cook, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Coleman, | Mr. Lathrop, | Mr. Turner, | |
| Mr. Forbes, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Fuller, | Mr. Miller, | Mr. Speaker, | |
| Mr. Gregory, | | | 34 |

FOR PETER DESNOYERS,

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Axford, | Mr. Dusham, | Mr. Mulholland, | |
| Mr. Bailey, | Mr. McClelland, | Mr. Steele, | |
| Mr. Bell, | Mr. Moran, | Mr. Williams, | |
| Mr. Cathcart, | | | 10 |

FOR DAVID FRENCH,
 Mr. Davis, Mr. Foote, 2
 FOR MERRITT D. COBB,
 Mr. Brown, Mr. Tucker, Mr. Walker, 3
 FOR THOMAS ROWLAND,

Mr. Button, 1
 The President announced and declared that Robert Stuart was duly appointed State Treasurer for two years, to commence from and after the 3d day of March, A. D. 1840.

On motion of Senator Drake, the convention then adjourned *sine die*.

DAN W. KELLOGG,
Secretary of the Senate.

MARK HOWARD,
Clerk of the House of Representatives.

The Senate having retired, the Speaker called the House to order, and, after announcing the result of the convention, On motion of Mr. Sanborn, the House adjourned.

Friday, January 24, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, the same members were present as yesterday.

PETITIONS.

By Mr. Hammond. Of sundry inhabitants of Burlington, Calhoun county, praying for the alteration of a certain road therein mentioned. Referred to the committee on roads and bridges.

Also, of forty-four inhabitants of Branch county, praying for the removal of the county site of said county. Referred to the committee on towns and counties.

REPORTS.

Mr. Howard, from the committee on internal improvements to whom was referred a resolution respecting the propriety of

leasing the Central railroad, reported adverse to the same, and on motion, the committee was discharged from its further consideration.

On motion of Mr. Howard, the report was laid upon the table, and

On motion of Mr. Hammond, the report was ordered printed.

(See House Document No. 17.)

Mr. Howard, from the same committee, to whom was referred the joint resolution from the Senate, relative to the opening and keeping of certain books and accounts by the Auditor General, reported the same back to the House without amendment, and recommended its adoption.

The resolution was then read a third time and passed.

Mr. Hammond, from the judiciary committee, to whom was referred "A petition of inhabitants of Leoni, for the extension of time for the payment of taxes," reported the same back to the House and asked to be discharged from its further consideration, inasmuch as a bill is now before this House in reference thereto; and on motion, the committee was discharged from the further consideration of the same.

Also, reported a resolution relative to collection of specific taxes for 1839, and asked to be discharged from its further consideration; and on motion, the committee was accordingly discharged from the further consideration thereof.

Mr. Champlin, from the committee on towns and counties, to whom was referred a petition for the removal of the seat of justice of Macomb county, reported the same back to the House; the committee was discharged from the further consideration of the subject, and leave was granted the petitioners to withdraw said petition.

Mr. Fuller, from the committee on printing, who was instructed, by resolution, to inquire, and present a statement, in detail, to this House, showing what documents have been printed for the use of this House, &c., made a report thereon; which,

On motion of Mr. Pierce, was laid upon the table.

Mr. Bell, from the select committee, to whom was referred the "substitute" for "bill number nine," reported the same back to the House, with sundry amendments, which, on his motion, was laid upon the table.

The Speaker announced the following message from the Executive, by L. Bruce, Esq., his secretary:

To the House of Representatives:

I have this day approved, signed, and deposited in the office of the Secretary of State, an act entitled "An act to legalize the assessment of taxes in the county of Hillsdale, for the year one thousand eight hundred and thirty-nine, and for other purposes," and also, a "Joint resolution relative to the investigation of the Bank of Michigan and Farmers' and Mechanics' bank."

WILLIAM WOODBRIDGE.

Executive Office, January 23, 1840.

RESOLUTIONS AND NOTICES.

Mr. Backus laid upon the table the following preamble and resolutions:

Whereas, the wise policy of all republics, and especially of the founders of ours, has been to place the public treasure beyond the control of the Executive, except under special appropriations by law; and

Whereas, the public money is the common property of the nation, the beneficial use of which, under proper regulations, is the common right of all the citizens, until the public necessities require its immediate appropriation to public objects under the direction of the Congress of the United States; and

Whereas, a bill entitled, "An act to provide for the collection, safe-keeping, transfer and disbursement of the public money," commonly known and called the sub-treasury bill, has been again introduced into the Congress of the United States; and

Whereas, the sub-treasury system, so called, as contemplated by said bill, if the same should become a law, will prevent an equal distribution of the benefits of the common treasure of the nation, confine its benefits to a comparatively few office holders engaged in its collection, keeping and disbursement, and their immediate dependents and friends, and greatly in-

crease the already dangerous encroachments of executive power and patronage upon the constitutional rights of the people of the Union; and

Whereas, large portions of the public revenue have been purloined by absconding sub-treasurers under the practical operation of the sub-treasury system, to the great damage of the nation and its finances; therefore,

Be it resolved by the Senate and House of Representatives, That the sub-treasury bill, so called, now pending before the Congress of the United States, ought not to become a law, and all good citizens are called upon, by all proper means, to defeat it, as a measure dangerous to the liberties of the people.

Resolved, That the sub-treasury system, as a measure of finance, is not only inexpedient, but unsafe, and contrary to the genius of our institutions—that as a measure of policy, it will further derange and destroy the finances of the country, cripple agriculture, commerce and the arts, and concentrate the available wealth of the nation in the coffers of the Executive and his dependents.

Resolved, That the Governor be requested to forward copies of the foregoing preamble and resolutions to each of our Senators and Representative in Congress, as the sense of this Legislature.

On motion of Mr. Hammond, the same was ordered printed.

Mr. Backus gave notice, that at some future day, he should ask leave to introduce a bill to provide for the collection of a specific state tax, so called, within the county of Wayne, and for the appointment of an officer to collect the same.

Mr. Harbaugh gave notice, that at some future day, he would ask leave to bring in a bill to authorize the appointment of commissioners to take acknowledgment of deeds and instruments of writing under seal.

Mr. Pierce asked and obtained leave of absence for Mr. Axford, until Monday next.

Mr. Renwick asked and obtained leave of absence for Mr. Kenny until Tuesday.

According to previous notice, Mr. Davis asked and obtained

leave to introduce a "Bill to authorize the Superintendent of Public Instruction, to reduce the price of certain university lands in the county of Oakland; which was referred the committee on university and school lands.

Mr. Bell called up for consideration, the resolution of Mr. McClelland, relative to the appointment of Cornelius Wendell printer of the House of Representatives, during its present session.

Mr. Lathrop moved to lay the resolution upon the table; which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|-------------|--------------|
| Mr. Backus, | Mr. Cook, | Mr. LeBaron, |
| Mr. Bird, | Mr. Foote, | Mr. Lathrop, |
| Mr. Brown, | Mr. Forbes, | Mr. Miller, |
| Mr. Castle, | Mr. Larue, | Mr. Sanborn, |

12

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Newton, |
| Mr. Bailey, | Mr. Gregory, | Mr. Pierce, |
| Mr. Barbour, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bell, | Mr. Howard, | Mr. Spencer, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Button, | Mr. Johnson, | Mr. Steel, |
| Mr. Carr, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Turner, |
| Mr. Champlin, | Mr. McDonald, | Mr. Underwood, |
| Mr. Coleman, | Mr. Moran, | Mr. Walker, |
| Mr. Davis, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Speaker, |

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Mr. Spencer offered the following as a substitute for the resolution:

Resolved, That in the opinion of this House, cents per thousand ems for composition, and cents per token for the press work, are fair and just prices for such printing as this House may require; therefore, it is hereby declared that the price which this House will pay for its printing, be, and the same is hereby limited to the sums above specified.

Mr. Renwick moved to commit the resolution to the committee on printing; which was decided in the affirmative, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. LeBaron, |
| Mr. Backus, | Mr. Foote, | Mr. Lathrop, |
| Mr. Barbour, | Mr. Forbes, | Mr. McDonald, |
| Mr. Bird, | Mr. Fuller, | Mr. Miller, |
| Mr. Brown, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Button, | Mr. Howard, | Mr. Newton, |
| Mr. Carr, | Mr. Ingalls, | Mr. Pierce, |
| Mr. Castle, | Mr. Johnson, | Mr. Renwick, |
| Mr. Cook, | Mr. Kenny, | Mr. Tucker, |
| Mr. Coleman, | Mr. Larue, | Mr. Speaker, |

30

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bailey, | Mr. McClelland, | Mr. Steele, |
| Mr. Bell, | Mr. Moran, | Mr. Stockton, |
| Mr. Bush, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Cathcart, | Mr. Sanborn, | Mr. Underwood, |
| Mr. Champlin, | Mr. Spencer, | Mr. Walker, |
| Mr. Dunham, | Mr. Sprague, | Mr. Williams, |
| Mr. Hammond, | | |

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The Speaker announced the following message from the Senate:

SENATE CHAMBER,
Friday, January 24, 1840. }

To the Speaker of the House of Representatives:

SIR—Therewith transmit to the House of Representatives, a "Bill relative to the capitol and library." And am instructed by the Senate to inform you, that they have passed the same, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

The bill was read the first and second time and referred to the committee on the library.

Mr. Bush offered the following:

Resolved, That the committee on printing, be instructed to receive sealed proposals for three days from this time, and that the person who offers to do the printing for this House during the present year, for the least money, and make his proposals to the committee during the above mentioned three days, shall be employed to do the printing, provided he gives ample security for the well and faithful performance of such work.

Mr. Tucker moved to lay the resolution on the table, which was decided in the affirmative, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McDonald, |
| Mr. Backus, | Mr. Forbes, | Mr. Miller, |
| Mr. Barbour, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Brown, | Mr. Howard, | Mr. Pierce, |
| Mr. Button, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Carr, | Mr. Johnson, | Mr. Stockton, |
| Mr. Castle, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cook, | Mr. Larue, | Mr. Underwood, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Davis, | Mr. Lathrop, | |

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NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Bell, | Mr. McClelland, | Mr. Sprague, |
| Mr. Bush, | Mr. Moran, | Mr. Steele, |
| Mr. Cathcart, | Mr. Mulholland, | Mr. Turner, |
| Mr. Champlin, | Mr. Renwick, | Mr. Walker, |
| Mr. Dunham, | Mr. Sanborn, | Mr. Williams, |
| Mr. Hammond, | | |

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The Speaker called Mr. Renwick to the chair.

Mr. Stockton, by leave, introduced a memorial to Congress, on the subject of erecting a lighthouse, and constructing a harbor at Belvidere, on Lake St. Clair, accompanied by a resolution, instructing our Senators, and requesting our representative in Congress to use their endeavors in procuring an appropriation for the same; which was laid upon the table, and,

On motion of Mr. Bell, the same was ordered printed.

(See House Document No. 18.)

On motion of Mr. Champlin,

The House went into committee of the whole on the "substitute" for bill No. 7, Mr. Dunham in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, and,

On motion of Mr. Renwick, the amendments were ordered printed.

On motion of Mr. Backus,

The House went into committee of the whole, on the "Bill

to more effectually secure the benefits of the writs of prohibition, quo warranto and for other purposes," Mr. Stockton in the chair.

After some time spent thereon, the committee rose and reported progress on the same.

On motion of Mr. McClelland, the bill was laid upon the table.

Mr. Davis moved to adjourn, which motion was lost.

Mr. LeBaron, on leave, offered the following:

Resolved, That the committee on banks and incorporations be instructed to bring in a bill, providing a per diem allowance for the bank fund commissioners; and to authorize the Auditor General to audit and allow the accounts of said commissioners for time and expense already, or hereafter expended in behalf of the state, and to report as soon as practicable.

The resolution was adopted, and on motion, the accompanying documents were laid on the table.

Mr. Stockton moved to adjourn until Monday next, which was negatived by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Brown,
Mr. Castle,
Mr. Foote,
Mr. Forbes,

Mr. Hammond,
Mr. Howard,
Mr. Ingalls,
Mr. Kenny,
Mr. LeBaron,

Mr. McClelland,
Mr. Sanborn,
Mr. Stockton,
Mr. Turner,

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NAYS.

Mr. Bailey,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Cathcart,
Mr. Champlin,
Mr. Cook,

Mr. Davis,
Mr. Fuller,
Mr. Gregory,
Mr. Johnson,
Mr. Larue,
Mr. Lathrop,
Mr. McDonald,
Mr. Miller,
Mr. Moran,
Mr. Mulhollan,

Mr. McReynolds,
Mr. Newton,
Mr. Pierce,
Mr. Spencer,
Mr. Sprague,
Mr. Steele,
Mr. Underwood,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

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Mr. Lathrop called up for consideration, the "Bill making appropriation for the payment of guards, and for the sustenance and clothing of prisoners confined in the state prison, at Jack-

son," and moved the following as a substitute for all of the first section, after the enacting clause, which was adopted:

"That it shall be the duty of the Auditor General, from time to time, as occasion may require, to issue his warrant to the agent of the state prison, requiring the State Treasurer to pay out of the general fund, any moneys not otherwise appropriated, to said agent, such sum or sums of money as may be necessary to defray the expenses for the transportation, subsistence and safe keeping of the prisoners confined in said prison."

On motion of Mr. Lathrop, the bill was then read a third time and passed.

The question then being upon the adoption of the title to the bill, Mr. Lathrop moved to amend it by substituting the following:

"An act amendatory of 'An act to provide for the government and discipline of the state prison,'" approved, April 17, 1839; which amendment was adopted, and,

On motion of Mr. Howard, the House adjourned.

Saturday, January 25, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, there were absent Messrs. Champlin, Fuller, Gregory, Howard, Ingalls, LeBaron, McClelland, Sanborn, Spencer and Underwood.

Absent on leave, Messrs. Axford, Hart and Kenny.

LEAVE OF ABSENCE.

Mr. Pierce asked and obtained leave of absence for Mr. Fuller until Tuesday.

Mr. Renwick for Mr. Spencer, the same.

Mr. Miller for Mr. Gregory, the same.

Mr. Barbour for Mr. Sanborn, the same.

Mr. Button for Mr. Foote, the same.

Mr. Davis for Mr. Ingalls, the same.

Mr. McReynolds for Mr. Howard, until Monday.

Mr. Hammond for Mr. McClelland, the same.

Also, Messrs. Champlin and LeBaron until Wednesday.

Mr. Steele for Mr. Bush, the same.

Mr. Williams for Mr. Underwood, the same.

PETITIONS.

By the Speaker. Of citizens of the towns of Union and Sherwood in Branch county, and Burlington in Calhoun county, remonstrating against the alteration of a certain road therein mentioned. Referred to the committee on towns and counties.

By Mr. Tucker. Of Mark Carrington and other inhabitants of St. Clair and Sanilac counties, praying for the organization of a township. Referred to the committee on towns and counties.

By Mr. Steele. Of J. W. Birchard and others of Ingham county, praying for the alteration of a state road. Referred to the committee on roads and bridges.

REPORTS.

Mr. Backus, from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of so altering part first, title five, chapter five of the revised statutes, "that delinquent taxes may be collected by the treasurers of the different counties of this state, and not be returned to the Auditor General," reported that it would be inexpedient to alter the existing law in that particular; and on motion was discharged from the further consideration thereof.

Mr. Harbaugh, from the committee on banks and incorporations to whom was referred the petition of ninety-two inhabitants of the town of Litchfield, Hillsdale county, praying for the enactment of a law to suspend the collection of debts for the term of one year, reported, that as the matter involved many important legal questions, the committee asked to be discharged from the further consideration of the subject.

On motion of Mr. Harbaugh,

The same was referred to the committee on the judiciary.

Mr. Harbaugh, from the committee on the library, to whom

was referred the communication of the Secretary of State relative to the insurance on the capitol and library, reported the following resolutions in relation thereto, which were read twice and entered upon the general order.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of state be, and he is hereby directed and authorized to effect an insurance, with such insurance company as he may think proper on the capitol of the state, to the amount of dollars, and also on the state library to the amount of dollars.

And be it further resolved, That the Treasurer of the state be, and he is hereby authorized and directed to pay the amount of premium for said insurance, to the persons entitled to the same, out of any money in the treasury of the state not otherwise appropriated.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred so much of the Governor's message as relates to "the currency of this state and the suspension of specie payments," reported,

That since the passage of the resolution, making the reference alluded to, the Senate and House of Representatives, have appointed a joint committee, to whom that portion of the Governor's message was committed, with ample power to make a full and thorough investigation, and the committee asking to be discharged from the further consideration of the subject, it was granted.

On motion of Mr. Barbour,

Resolved, That the committee on roads and bridges be instructed to inquire into the expediency of establishing a state road from Eaton centre, through the villages of Vermontville, Hastings and Middleville to the Grand Rapids in Kent county, and report by bill or otherwise.

On motion of Mr. Renwick,

Resolved, That the committee on internal improvements report to this House forthwith, the resolution of the Senate, suspending all operations on the works of internal improvements, which was referred to that committee on Saturday last.

The Speaker announced a communication from the Attorney General, accompanied with his report, which, on motion of Mr. Bell, was referred to the committee on the judiciary.

(See House Document No. 19.)

Pursuant to previous notice, Mr. Harbaugh asked and obtained leave to introduce "A bill to authorize the appointment of commissioners to take acknowledgments of deeds and instruments of writing under seal," which was referred to the committee on the judiciary.

Mr. Ashman, from the select committee, to whom was referred that portion of the Governor's message relative to the "opening of a ship canal around the falls of Ste Marie," reported a memorial to Congress, praying for suitable appropriations for the construction of said canal.

Also, two joint resolutions instructing our Senators, and requesting our Representative in Congress, to urge upon Congress the importance of said appropriation.

On motion of Mr. Hammond,

The same was laid upon the table and ordered printed.

(See House Document No. 20.)

Mr. Harbaugh, on leave, withdrew his report of this morning relative to the insurance on capitol and library, and reported back to the House without amendment, the Senate bill "relative to the capitol and library," which was, yesterday, referred to the committee on the library, and,

On his motion, the bill was read a third time and passed.

Mr. Turner moved to take up, for consideration, the resolution relative to the appointment of a fiscal agent, which motion did not prevail.

On motion of Mr. Hammond,

The House went into committee of the whole on the bill from the Senate, "to extend the time for the collection of taxes for the year 1839," Mr. McReynolds in the chair,

After some time spent thereon, the committee rose, reported progress, asked for, and obtained leave to sit again.

On motion of Mr. Miller, the House adjourned.

Monday, January 27, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. H. Smith.

The roll being called, there was absent, Mr. McClelland.

ABSENT ON LEAVE.

Messrs. Bush, Button, Champlin, Foote, Forbes, Gregory, Hart, Ingalls, Kenay, LeBaron, Sanborn and Underwood.

PETITIONS.

By Mr. Howard. Of inhabitants of town one north, of range four west; praying to be set off and organized. Referred to the committee on towns and counties.

By Mr. Stockton. Of sundry inhabitants of Macomb county, praying for the substitution of a turnpike road on the route laid out for the construction of the Macomb and Saginaw railroad. Referred to the committee on banks and incorporations.

By Mr. Harbaugh. Of John Mullett and forty-six others, praying for the passage of an act to incorporate the Grand river turnpike company.

Also, one other from J. L. King and seventeen others, praying for the same object; which were severally referred to the committee on banks and incorporations.

By Mr. Bell. Of eighty-four citizens of the county of Kent, praying relief to the settlers on the university and state lands. Referred to the committee on university and state lands.

REPORTS.

Mr. Harbaugh, pursuant to previous notice, asked and obtained leave to introduce "A bill to incorporate the Grand river turnpike company," which was referred to the committee on banks and incorporations.

Mr. Howard, from the committee on internal improvement, reported "An act for the regulation of internal improvements;" which, on his motion, was laid upon the table and ordered printed.

Mr. Backus, from the committee on the judiciary, to whom was referred the petition of sundry citizens of the county of Washtenaw, praying for an extension of time provided by law for overseers of highways to make returns of non-resident high-

way taxes, reported that the relief prayed for, is being provided for by a bill now pending before the House, and therefore, report the petition back to the House, and asked to be discharged from its further consideration.

Whereupon, the committee was accordingly discharged from the further consideration of the subject.

Also, reported back to the House, the petitions from sundry citizens of the county of Washtenaw, praying for an extension of the time for the collection of taxes; as the relief prayed for is already provided by a bill now pending before the House, the committee asked to be discharged from the further consideration of the subject.

Whereupon the committee was accordingly discharged.

Also, reported back to the House, the petition of S. M. Green and others, citizens of the county of Shiawassee, praying for the legalization of the act of certain township officers; as the relief prayed for is provided by a bill now pending before the House,

The committee was thereupon discharged from its further consideration.

Also, in pursuance of a resolution instructing the judiciary committee to inquire into the expediency of legalizing the acts of the collector of the city of Detroit, made a report thereon, accompanied with a "Bill to provide for the collection of the county tax in the city of Detroit," and

On motion of Mr. Backus,

The report was laid upon the table, and the bill referred to the committee of the whole, and placed upon the general order.

On motion of Mr. Moran,

Resolved, That on and after next, there shall be two sessions of this House each day, commencing at ten o'clock, A. M., and half past two, P. M., unless otherwise ordered.

On motion of Mr. Turner,

The House took up for consideration the resolution relative to the appointment of a fiscal agent,

And the question being upon the adoption of Mr. Hammond's substitute,

Mr. Harbaugh moved to indefinitely postpone the subject, which motion did not prevail.

The question recurring upon Mr. Hammond's substitute,

Mr. Stockton moved to refer the subject to the committee on ways and means; which motion prevailed by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|---------------|---------------|----|
| Mr. Ashman, | Mr. Cook, | Mr. Newton, | |
| Mr. Backus, | Mr. Harbaugh, | Mr. Pierce, | |
| Mr. Barbour, | Mr. Howard, | Mr. Spencer, | |
| Mr. Bird, | Mr. Johnson, | Mr. Sprague, | |
| Mr. Button, | Mr. Larue, | Mr. Stockton, | |
| Mr. Carr, | Mr. Lathrop, | Mr. Speaker, | |
| Mr. Castle, | Mr. Miller, | | 20 |

NAYS.

| | | | |
|---------------|-----------------|--------------|----|
| Mr. Bailey, | Mr. Dunham, | Mr. Renwick, | |
| Mr. Bell, | Mr. Hammond, | Mr. Steele, | |
| Mr. Brown, | Mr. McDonald, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. Moran, | Mr. Turner, | |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Walker, | |
| Mr. Davis, | Mr. McReynolds, | | 17 |

On motion of Mr. Backus, the consideration of general orders was postponed, and on his motion,

The House went into committee of the whole on the "Bill to provide for the collection of the county tax in the city of Detroit," Mr. Howard in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with amendments, which were concurred in, and

On motion of Mr. Backus, the bill was laid upon the table and ordered printed.

On motion of Mr. Sprague,

The House took up for consideration the joint resolution from the Senate, relative to the suspension of the works of internal improvement.

Mr. Hammond moved to indefinitely postpone the consideration of the same; which motion was negatived by yeas and nays, as follows:

YEAS.

Mr. Dunham,

Mr. Hammond,

NAYS.

Mr. Ashman,

Mr. Cook,

Mr. McReynolds,

Mr. Axford,

Mr. Coleman,

Mr. Newton,

Mr. Backus,

Mr. Davis,

Mr. Pierce,

Mr. Bailey,

Mr. Harbaugh,

Mr. Tenwick,

Mr. Barbour,

Mr. Howard,

Mr. Spencer,

Mr. Bell,

Mr. Johnson,

Mr. Sprague,

Mr. Bird,

Mr. Larue,

Mr. Steele,

Mr. Brown,

Mr. Lathrop,

Mr. Stockton,

Mr. Button,

Mr. McDonald,

Mr. Tucker,

Mr. Carr,

Mr. Miller,

Mr. Walker,

Mr. Castle,

Mr. Moran,

Mr. Speaker,

Mr. Cathcart,

Mr. Mulholland,

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The question being upon the passage of the resolution,

Mr. Stockton moved to strike out, in the last clause of the resolution, the words following: "or of re-letting any contract or contracts, which may have been heretofore let;" which motion did not prevail.

The question then recurring upon the passage of the resolution, it was adopted.

Mr. Turner, from the committee on enrolment, reported as correctly enrolled, the Senate "Bill relative to the capitol and state library."

On motion of Mr. Howard,

The House took up his resolution instructing the committee on internal improvement to inquire into the expediency of leasing to a company the Southern railroad, and on his motion, the resolution was adopted.

On motion of Mr. Backus,

The House took up for consideration bill No. 11, and,

On motion of Mr. Stockton, it was laid upon the table.

Mr. Harbaugh, on leave, presented a claim of certain officers of the militia, for services as members of a brigade, court martial. Referred to committee on militia.

On motion of Mr. Harbaugh,

The House went into committee of the whole on the "Bill for the independent organization of the military corps called the 'Brady Guards,'" Mr. Ashman in the chair.

After some time spent thereon, the committee rose, and reported the bill back to the House without amendment.

Mr. Bell moved to amend the first section, by striking out in the first line, after the word "that," the word "the" and insert "all;" also, in the third and fourth lines to strike out the words "the Brady Guards of the city of Detroit," and insert "volunteer companies," which several amendments were adopted.

Mr. Pierce moved to strike out all after the enacting clause, which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|---------------|
| Mr. Axford, | Mr. Howard, | Mr. Pierce, |
| Mr. Brown, | Mr. McDonald, | Mr. Spencer, |
| Mr. Coleman, | Mr. Miller, | Mr. Steele, |
| Mr. Davis, | Mr. Mulholland, | Mr. Stockton, |
| Mr. Dunham, | | |

13

NAYS.

| | | |
|-------------|---------------|-----------------|
| Mr. Ashman, | Mr. Cathcart, | Mr. McReynolds, |
| Mr. Backus, | Mr. Cook, | Mr. Newton, |
| Mr. Bailey, | Mr. Hammond, | Mr. Reawick, |
| Mr. Babour, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Bell, | Mr. Johnson, | Mr. Tucker, |
| Mr. Bird, | Mr. Larue, | Mr. Walker, |
| Mr. Button, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Carr, | Mr. Moran, | |

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Mr. Bell moved further to amend the bill by adding the letter "s" after the word "officer" as it occurs in the several lines of the second section, which amendment prevailed.

Mr. Howard moved further to amend the bill by striking out in the first section the words "twenty-first," which was lost.

Mr. Moran offered the following as an additional section to the bill, which was adopted:

"Sec. 3. That this act shall take effect and be in force from and after its passage."

And on motion of Mr. Moran, The bill was ordered engrossed for a third reading, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|---------------|-----------------|
| Mr. Ashman, | Mr. Cathcart, | Mr. McReynolds, |
| Mr. Axford, | Mr. Cook, | Mr. Newton, |
| Mr. Backus, | Mr. Hammond, | Mr. Reawick, |

| | | |
|--------------|---------------|---------------|
| Mr. Bailey, | Mr. Hammond, | Mr. Sprague, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Stockton, |
| Mr. Bell, | Mr. Larue, | Mr. Tucker, |
| Mr. Bird, | Mr. Lathrop, | Mr. Walker, |
| Mr. Button, | Mr. Moran, | Mr. Speaker, |
| Mr. Carr, | | |

25

NAYS.

| | | |
|--------------|----------------|--------------|
| Mr. Brown, | Mr. Howard, | Mr. Pierce, |
| Mr. Coleman, | Mr. McDonald, | Mr. Spencer, |
| Mr. Davis, | Mr. Miller, | Mr. Steele, |
| Mr. Dunham, | Mr. Mulhollan, | |

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The Speaker announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Thursday, January 27, 1840.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives, a "Bill to provide for the repayment in part, of a sum of money temporarily loaned to the internal improvement fund," in which the concurrence of the House of Representatives is respectfully requested.

Also, herewith, I return the "Bill to organize certain townships and for other purposes," which the Senate have passed with amendments, and respectfully ask the concurrence of the House of Representatives therein:

D. W. KELLOGG,

Secretary of the Senate.

The "Bill to provide for the repayment in part of a sum of money temporarily loaned to the internal improvement fund," was read twice and referred to the committee on ways and means.

And the amendment to the "Bill to organize certain townships and for other purposes," were severally concurred in.

On motion of Mr. Howard, the House adjourned.

Tuesday, January 28, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. H. Smith.

The roll being called, there were absent on leave, Messrs. Champlin, Foote, Fuller, Hart, Ingalls, Kenny, LeBaron, Sargent and Underwood.

PETITIONS.

By Mr. Axford. Of sundry inhabitants of the counties of Oakland and Macomb, praying for the abolishment of the commissioner system, and the revival of the supervisor system. Referred to the committee on the judiciary.

By Mr. Howard. Of sundry inhabitants of the state, praying for the incorporation of a company to construct a turnpike road on the route of the Grand River road. Referred to the committee on banks and incorporations.

By Mr. Button. Of B. F. Nichols, and others, praying for the alteration of the line of the state road running from the village of Flint, in Genesee county, to Ann Arbor, in Washtenaw county. Referred to the committee on roads and bridges.

By Mr. Coleman. Of sundry inhabitants of the town of Keeler, Van Buren county, praying for a separate organization of said township. Referred to the committee on towns and counties.

By Mr. Hammond. Of inhabitants of Branch county, praying for a state road from Hillsdale, in Hillsdale county, to the village of Branch, in Branch county. Referred to the committee on roads and bridges.

By Mr. Barbour. Of sundry inhabitants of the town of Chester, in Eaton county, praying for the alteration of a certain road in said town. Referred to the committee on roads and bridges.

By Mr. Teicher. A claim of Joel Clemens, a contractor, on the Central railroad, praying for relief. Referred to the committee on claims.

By Mr. Backus. Of sundry citizens of the state, praying for the alteration of certain laws. Referred to the committee on ways and means.

Mr. Stockton presented the claim of R. Butler, for publish-

ing notice of commissioners to locate state prison. Referred to the committee on claims.

Mr. Renwick presented certain resolutions of the county commissioners of the county of Washtenaw, requesting an alteration in the law in regard to the payment of interest on loans made by the Superintendent of Public Instruction to counties. Referred to the committee on the judiciary.

Mr. Hammond presented sixteen remonstrances against removing the county seat of Branch county, from four hundred inhabitants of said county; also, five special remonstrances, embracing about seventy-five names, who had signed the petition for removal; also, the petition of seventeen inhabitants of Branch county, for the removal of said county seat; which were severally referred to committee on towns and counties.

REPORTS.

Mr. Brown, from the committee on claims, to whom was referred the several claims of Samuel Clements, Oren Marsh and E. K. Gilbert, reported in favor of the allowance of the same, and the report being accepted,

On motion of Mr. Renwick,

The same was referred back to the committee, with instructions to report by bill.

Mr. Brown, from the same committee, to whom was referred the claim of H. J. Tyler, reported adverse to the allowance of the same, and asked to be discharged from its further consideration. Whereupon, the committee were discharged from the further consideration of the subject.

Mr. Renwick, from the committee on ways and means, to whom was referred the bill from the Senate "to provide for the re-payment in part, of a sum of money temporarily loaned to the internal improvement fund," reported the same back to the House without amendment, and the committee being discharged from its further consideration, it was referred to the committee of the whole and placed upon the general order.

Mr. Backus, from the committee on towns and counties, to whom was referred the petition of Alpheus B. Fuller and others, praying for the organization of town/ six north range old

east, reported adverse to the prayer of the petitioners, and asked to be discharged from its further consideration.

Whereupon the committee was discharged from the further consideration of the subject.

RESOLUTIONS.

Mr. Barbour offered the following resolution, which, on his motion, was laid upon the table:

Resolved, That the committee on ways and means be instructed to ascertain the present liabilities of the state as claimed, by whom, and on what account such claims are predicated, and to aid them in their inquiry they have power to send for persons and papers, and report to this House as soon as may be.

On motion of Mr. Steele,

Resolved, That the committee on roads and bridges be instructed to inquire into the propriety of providing by law for the recording of state roads.

Mr. Walker gave notice that, at some future day, he should ask leave to bring in a bill to provide for investing the joint owners of burial grounds with certain corporate rights and powers.

On motion of Mr. Harbaugh,

The House took up for consideration the "Bill for the independent organization of the military corps, called the 'Brady Guards,'" and on his motion, the bill was read a third time and passed by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Backus,
Mr. Bailey,
Mr. Bell,
Mr. Bird,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,

Mr. Cook,
Mr. Dunham,
Mr. Forbes,
Mr. Gregory,
Mr. Hammond,
Mr. Harbaugh,
Mr. Larue,
Mr. Lathrop,

Mr. Moran,
Mr. McReynolds,
Mr. Newton,
Mr. Tucker,
Mr. Turpin,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

NAYS.

Mr. Axford,
Mr. Barbour,
Mr. Brown,

Mr. Davis,
Mr. Howard,
Mr. Johnson,

Mr. Pierce,
Mr. Renwick,
Mr. Spencer,

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| Mr. Bush, | Mr. McDonald, | Mr. Sprague, |
| Mr. Button, | Mr. Miller, | Mr. Steele, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Stockton, |

On the request of Mr. McClelland, the House excused him from voting on the passage of said bill.

The question being upon the adoption of the title to the bill, Mr. Bell moved to substitute the following, which was adopted:

"A bill for the independent organization of military corps designated as volunteer companies."

On motion of Mr. Hammond,

The consideration of the general order was postponed, and on his motion, the House went into committee of the whole on the substitute for Senate bill number one, entitled "An act to extend the time for the collection of taxes for the year 1839," Mr. Larue in the chair. After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in.

Mr. Bell moved to amend the first section, in the ninth line, by striking out the word "May," and inserting "June," which prevailed by yeas and nays, as follows:

YEAS.

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|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Carr, | Mr. Howard, |
| Mr. Backus, | Mr. Castle, | Mr. Lathrop, |
| Mr. Bailey, | Mr. Cathcart, | Mr. Miller, |
| Mr. Barbour, | Mr. Cook, | Mr. Moran, |
| Mr. Bell, | Mr. Coleman, | Mr. Stockton, |
| Mr. Bird, | Mr. Forbes, | Mr. Williams, |
| Mr. Bush, | Mr. Harbaugh, | |

NAYS.

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|--------------|-----------------|--------------|
| Mr. Button, | Mr. Larue, | Mr. Renwick, |
| Mr. Davis, | Mr. McClelland, | Mr. Spencer, |
| Mr. Gregory, | Mr. McDonald, | Mr. Sprague, |
| Mr. Hammond, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Johnson, | Mr. Pierce, | Mr. Speaker, |

Mr. Bell moved to further amend the bill, by striking out, in the seventh line of the second section, the word "June," and inserting the word "July," which prevailed.

Also, by striking out in the third line in the third section, the word "May," and inserting the word "June," which also prevailed.

Mr. Davis moved to strike out in the eighth and ninth lines, after the word "words," the following:

"All resident taxes remaining uncollected on the within list, are extended to the first day of June next."

And insert in lieu thereof, the following, which was adopted:

"The collection of all resident taxes, remaining unpaid on the within list, is extended to the first day of June next."

The bill was then ordered engrossed for a third reading.

The Speaker announced the following message from the Senate by their Secretary, Mr. Kellogg:

SENATE CHAMBER,

Tuesday, January 28, 1840.

To the Speaker of the House of Representatives:

SIR—The Senate have instructed me to transmit to you the following bills, to wit:

"A bill to extend the time for completing the Detroit and Pontiac railroad;"

"A bill relative to taxes;"

"A bill to amend part three, title two, chapter seven of the revised statutes;"

"A bill providing for a settlement with the Michigan state bank;"

All of which the Senate have severally passed, and in which the concurrence of the House is respectfully asked.

D. W. KELLOGG,

Secretary of the Senate.

The "Bill to extend the time for completing the Detroit and Pontiac railroad," was read twice and referred to the committee on the judiciary;

The "Bill to amend part three, title two, chapter seven of the revised statutes," was read twice, and referred to the same committee.

The "Bill relative to taxes," was read twice and referred to the committee on ways and means.

The "Bill authorizing the State Treasurer, &c., to settle with the Michigan state bank," was read twice and received the same reference.

Mr. Hammond, on leave, presented two several claims of

John S. Bagg, for printing, which were referred to the committee on claims.

On motion of Mr. Stockton,

The House took up for consideration, the memorial to Congress, asking for suitable appropriations to build a light house and harbor at Belvidere, and the resolution requesting our Senators and Representative in Congress, to use their efforts to procure said appropriations, and

On motion of Mr. Stockton,

The resolution was amended by inserting therein, after the word "resolved," the following, which was adopted:

"By the Senate and House of Representatives of the State of Michigan."

The question being upon the passage of the resolution, it was adopted as amended.

The question being upon the adoption of the preamble, Mr. Howard moved to amend it, by striking out the word "instructed," and insert "requested," which prevailed.

The preamble as amended was then adopted.

Mr. Tucker moved to reconsider the vote on the same, which prevailed.

The question then recurring upon its adoption, Mr. McClelland moved to strike out the fifth, sixth, seventh, and eighth paragraphs, which motion prevailed.

And the preamble as amended, was then adopted.

On motion of Mr. Hammand, the House adjourned.

Wednesday, January 20, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. H. Smith.

The roll being called, there were absent Messrs. Champlin and LeBaron.

PETITIONS.

By Mr. Sprague. Of one hundred inhabitants of the township of Hamtramck, in Wayne county, praying for a division of

said township. Referred to committee on towns and counties.

By Mr. Ingalls. Of the Pontiac railroad company, praying for relief. Referred to committee on internal improvements.

By Mr. Spencer. Of Silas Dickerson, William L. Colby and others, citizens of Washtenaw county, praying for relief on account of damages occasioned by the Central railroad. Referred to committee on internal improvements.

By Mr. Underwood. Of William Parker and others, praying that the collection of certain delinquent taxes be authorized. Referred to committee on ways and means.

By Mr. Foote. Of J. Wells and others, praying for the abolishment of the office of county commissioners, and the re-establishment of the supervisor system. Referred to the committee on the judiciary.

By Mr. Castle. Of Stephen Pearle and others, praying for the organization of township seven north, range one west, in Clinton county. Referred to committee on towns and counties.

By Mr. Backus. Of Margaret Goodall, praying for the release to her of certain lands escheated to the state. Referred to committee on the judiciary.

By Mr. Coleman. Of sundry citizens of Van Buren county, praying for the removal of the present seat of justice of said county. Referred to committee on towns and counties.

By Mr. Larue. Of William G. Ferson and others, praying relief for Nosh Brookfield and Josiah Pledge, which, on motion of Mr. Larue, was referred to a select committee, consisting of Messrs. Larue, Tucker and Moran.

By Mr. Turner. Of Alfred Hartshorn and others, praying to be incorporated under the name and style of "Lake Superior mining and fishing company," which was also referred to a select committee, consisting of Messrs. Turner, Renwick and Cook.

REPORTS.

Mr. Davis, from the committee on expenditures, to whom was referred a resolution instructing them to inquire into the expediency of reducing the pay of the members of this House, to a price not exceeding two dollars per day, reported that it

was inexpedient to make such reduction; and the committee asked to be discharged from its further consideration; whereupon, the committee was accordingly discharged.

Mr. Backus, from the judiciary committee, to whom was referred the Senate bill "to extend the time for completing the Detroit and Pontiac railroad," reported the same back to the House without amendment; which, on motion, was laid upon the table.

Also, reported back the Senate bill entitled "An act to amend part three, title two, chapter seven of the revised statutes," with sundry amendments, which were concurred in by the House, and the bill was read a third time and passed.

Mr. McClelland, from the committee on the judiciary, to whom was referred a resolution respecting the powers of our circuit courts, reported "A bill relative to circuit courts and for other purposes," which was referred to the committee of the whole, and placed upon the general order.

Mr. Spencer, from the committee on university and school lands, to whom was referred the petition of James Rausted and others, praying for the grant of an acre of land upon which to erect a school house, in Bertrand, Berrien county, reported adverse to the same, and asked to be discharged from its further consideration; whereupon the committee was accordingly discharged; and,

On motion of Mr. Lurie, the report was ordered to be printed.

(See House Document No. 21.)

Mr. Bush, from the committee on university and school lands, to whom was referred a resolution instructing them to inquire into the expediency of permitting actual settlers who have contracted for more of the university and school lands than they can pay for, to retain so much of said lands as will be as just equivalent for the moneys already paid, reported adverse to the same; and, on motion, the committee was discharged from the further consideration of the subject.

On motion of Mr. Hammond,

The report was laid upon the table, and ordered printed.

(See House Document No. 22.)

Mr. Harbath, from the committee on banks and incorporations, to whom was referred a joint resolution relative to a settlement with the Michigan state bank, reported, that since the reference of the resolution, a bill had passed the Senate, and is now pending before the House, providing for a settlement with said bank, and therefore the committee asked to be discharged from its further consideration; whereupon the committee was accordingly discharged.

On motion, the House granted leave to Mr. Stockton to introduce a "Bill, amendatory to part first, title seven, chapter first of the revised statutes," which was read twice and referred to the committee on the judiciary.

RESOLUTIONS AND NOTICES.

On motion of Mr. Walker,
Resolved, That the judiciary committee be instructed to inquire into the constitutionality of sections three, four, five and six, of chapter two, title one, part first of the revised statutes, relating "to applications to the legislature by petitions or memorials" and report to the House at as early a day as possible.

On motion of Mr. Axford,
Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending part first, title five, chapter seven of the revised statutes, in such a manner as to authorize the county commissioners of the several counties in this state, to direct the prosecutor of their counties to prosecute delinquent township officers, without the aid of the Auditor General.

Mr. McClelland gave notice, that on some future day, he should ask leave to introduce a bill providing regulations concerning the election of directors of moneyed incorporations.

The House took up for consideration the Senate "Bill to extend the time for completing the Detroit and Pontiac railroad," and on his motion, the same was laid upon the table.

On motion of Mr. McClelland, the same was laid upon the table.

The House took up for consideration the Senate "Bill to amend part three, title two, chapter seven of the revised statutes,"

utes," and the question being upon the adoption of the amendments reported by the judiciary committee, the same were concurred in, and the bill was read a third time and passed.

The Chair announced a special message from the Executive, which, with the accompanying documents,

On motion of Mr. Howard, were ordered to lie on the table and be printed.

(See House Document No. 23.)

Also, a communication from the State Treasurer relative to the amount of school moneys apportioned to the several counties for the year 1838, remaining unpaid, and to which counties such moneys are due; which,

On motion of Mr. Hammond, was laid upon the table.

Also, the following messages from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act relative to the capitol and library."

WILLIAM WOODBRIDGE.

Executive Office, January 27, 1840.

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, a joint resolution entitled "Joint resolution relative to the books of the Auditor General."

WILLIAM WOODBRIDGE.

Executive Office, January 28, 1840.

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to organize certain townships and for other purposes."

WILLIAM WOODBRIDGE.

Executive Office, January 28, 1840.

On motion of Mr. Bell,

The House took up for consideration the substitute for Senate bill number one, "to extend the time for the collection of taxes for the year 1839," and on his motion, the same was again laid upon the table.

On motion of Mr. Backus,

The House took up the "Bill to provide for the collection of the county tax in the city of Detroit;" and on his motion the bill was amended by striking out in the seventeenth line of the first section, the word "third," and inserting "first."

Mr. Hammond moved to amend the first section by adding the following, which prevailed.

"And provided also, that the collector be authorized to add two per centum to the amount of each tax, and he shall account to the county treasurer therefor."

Mr. Lathrop moved to substitute the following for the second section of the bill, which did not prevail.

"Sec. 2. *And be it further enacted,* That it shall not be lawful for said collector to sell any property for the payment of said taxes, until within thirty days of the expiration of said warrant."

The bill as amended, was then read a third time and passed.

The question then being upon the adoption of the title to the bill, Mr. Bell moved to amend the same by adding the following words, "for the year 1839," which prevailed, and the title as amended was adopted.

On motion of Mr. Harbaugh,

The House went into committee of the whole on the "Bill, to authorize the appointment of commissioners to take acknowledgment of deeds and instruments of writing under seal," Mr. Backus in the chair.

After some time spent thereon the committee rose and reported the same back to the House, and informed the House through their chairman, that they had amended the bill by striking out all after the enacting clause.

Mr. Renwick moved to postpone indefinitely the further consideration of the bill, which was negatived by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Bailey,

Mr. Coleman,
Mr. Forbes,
Mr. Fuller,

Mr. Newton,
Mr. Pierce,
Mr. Renwick,

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| Mr. Barbour, | Mr. Gregory, | Mr. Sprague, |
| Mr. Bell, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Bird, | Mr. Johnson, | Mr. Turner, |
| Mr. Bush, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Cathcart, | Mr. McDonald, | |

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NAYS.

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| Mr. Backus, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Brown, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Carr, | Mr. Howard, | Mr. Spencer, |
| Mr. Castle, | Mr. Kenny, | Mr. Steele, |
| Mr. Cook, | Mr. Larue, | Mr. Stockton, |
| Mr. Davis, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. Miller, | Mr. Walker, |
| Mr. Foote, | Mr. Moran, | Mr. Williams, |

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On motion of Mr. McClelland,

The bill was then committed to the committee on the judiciary.

Mr. McReynolds introduced the following joint resolution:

Whereas, the prices now paid for the printing of all laws and public documents, now being, or hereafter to be done by virtue of the existing law, creating and providing for the duties of State Printer, is extravagant, and at much higher rates than is deemed full and ample compensation for the same; *and whereas*, various and sundry reports and bills are now, and have been long before both houses of this Legislature, without any definite action being had thereon, or any favorable prospect of an immediate action; *and whereas*, it is and has been a well ascertained fact that the present incumbent can well and truly execute such printing at a very much lower rate than he is now being paid for the same; *and whereas*, strict principles of retrenchment and economy, as well as a due regard to the interest of the state, requires at our hands that some prompt measures be adopted in order to put a stop to the payment of the existing established extravagant prices, if not by definite action, at least temporarily, until such definite action can be had; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the prices paid and to be paid in all cases for printing done or to be done for either house of this

REPORTS.

Mr. Renwick, from the committee on ways and means, to whom was referred the joint resolution relative to the appointment of Henry K. Sanger, as fiscal agent of this Legislature, reported that the resolution, if adopted, was inadequate to effect the object proposed, and asked leave to report the following bills:

"A bill making special appropriations, and for other purposes."

Also, "A bill to authorize the Auditor General of the state, to obtain money on the credit of the April instalment of the five million loan."

Which were severally referred to the committee of the whole, and placed upon the general order.

Also, reported back the Senate bill, "authorizing the Auditor General, State Treasurer and Secretary of State, to settle with the Michigan state bank," without amendment.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred several petitions, praying for an act to incorporate the Grand River turnpike company, reported adverse to the same, and asked to be discharged from the further consideration of the subject.

Whereupon the committee was accordingly discharged.

Mr. Renwick, from the committee on ways and means, to whom was referred the petition of William Parker and others, praying that the collection of certain delinquent taxes be authorized, reported the same back to the House, and asked to be discharged from its further consideration.

Whereupon the committee was accordingly discharged, and,

On motion of Mr. Renwick,

The same was referred to the committee on the judiciary.

Mr. Backus, from the committee on the judiciary, to whom was referred "A bill amendatory to part one, title seven, chapter one of the revised statutes," reported the same back with an amendment, which was referred to the committee of the whole, and placed upon the general order.

The Speaker announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, a joint resolution, entitled "Joint resolution relative to the works of internal improvement."

WILLIAM WOODBRIDGE,

Executive Office, January 29, 1840.

The Chair announced the following message from the Senate, through their Secretary, D. W. Kellogg, Esq.:

SENATE CHAMBER,

Wednesday, January 29, 1840.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to you the memorial and resolution in relation to improvements at Belvidere, this state, and inform you that they have concurred in them.

Also, to transmit to you "A bill authorizing the circuit courts to cause recognizances or other securities for appeals from justices of the peace, to be amended," and respectfully ask the concurrence of the House of Representatives in the same.

D. W. KELLOGG,

Secretary of the Senate.

The "bill authorizing the circuit courts to cause recognizances or other securities for appeals from justices of the peace, to be amended," was referred to the committee on the judiciary, with instructions to report on the same forthwith.

RESOLUTIONS AND NOTICES.

Mr. Hammond laid upon the table the following preamble and joint resolution:

Whereas, It appears from a communication made to the House of Representatives on the 29th January, instant, by the Treasurer of this state, that there is due and unpaid to the several counties hereinafter named, their apportionment of school moneys for 1838, which they cannot obtain without the action of this Legislature, on account of the failure of the Michigan state bank, therefore,

Resolved, (if the Senate concur,) That the Treasurer of this

state be authorized and requested to pay out of any moneys in the treasury, to the credit of the general fund, not otherwise appropriated, the sums so due, to wit:

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| To the county of Hillsdale, | \$525 86 |
| To the county of Branch, | 508 80 |
| To the county of Shiawassee, | 86 49 |

And to return to the general fund, out of the first available funds coming into the treasury, on account of the income of the school fund, the amount herein ordered to be paid.

On motion of Mr. Stockton,

Resolved, That the bank of Macomb county be requested to furnish this Legislature with a statement of its affairs and condition to the first day of January present.

Mr. McClelland laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor nominate, and with the advice and consent of the Senate, appoint three commissioners, whose duty it shall be to revise the laws of the state, and report their revision to the legislature for the year 1843.

Resolved further, That the compensation to be allowed said commissioners be determined and provided for by that legislature.

On motion of Mr. Bush,

Resolved, That the committee on the judiciary be instructed to examine part first, title fifth, chapter fifth, sections twenty, twenty-one, twenty-two and twenty-three, and see what amendments or alterations are necessary to clearly point out the duty of the Auditor General, in taxing charges on lands returned by the county treasurer to said Auditor's office, and report by bill or otherwise, as soon as convenient.

On motion of Mr. Hammond,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the arrest and imprisonment of debtors from other states and foreign countries, and to report by bill or otherwise.

Mr. Walker gave notice, that at some future day, he should

ask leave to bring in a bill for establishing the compensation of members of the Legislature at dollars per day.

Pursuant to previous notice, Mr. McClelland asked leave to introduce "A bill providing regulations concerning the election of directors of moneyed corporations," which was referred to the committee on the judiciary.

Mr. Tucker, in pursuance of previous notice introduced, "A bill to abolish the office of State Printer," which was referred to the committee on printing.

On motion of Mr. Ashman,

The House took up for consideration the memorial to Congress, asking for suitable appropriations to open a canal around the falls of Ste Marie, and the resolutions instructing our Senators and requesting our Representative to urge the same upon Congress:

The same being under consideration, Mr. Lathrop moved to amend the first resolution by striking out in the first and second lines, the following words "be instructed," which prevailed.

And the resolution and preamble were then adopted,

The House then took up the Senate "Bill authorizing the Auditor General, State Treasurer and the Secretary of State to settle with the Michigan State Bank," and the same was read a third time and passed.

The House resumed the consideration of the Senate "Bill to extend the time for completing the Detroit and Pontiac railroad," and,

On motion of Mr. Renwick,

The same was committed to the committee on internal improvement, with instructions to report to-morrow on the same.

The House also resumed the consideration of the substitute for Senate bill No. 1, "To extend the time for the collection of taxes for the year 1839," and the same was read a third time and passed, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Backus,

Mr. Cook,
Mr. Coleman,

Mr. McClelland,
Mr. Miller,

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| Mr. Bailey, | Mr. Dunham, | Mr. Moran, |
| Mr. Barbour, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hammond, | Mr. Newton, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Steele, |
| Mr. Button, | Mr. Howard, | Mr. Stockton, |
| Mr. Carr, | Mr. Johnson, | Mr. Underwood, |
| Mr. Castle, | Mr. Larue, | Mr. Williams, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Speaker, 33 |

NAYS.

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| Mr. Brown, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Fuller, | Mr. McDonald, | Mr. Spencer, |
| Mr. Gregory, | Mr. Pierce, | Mr. Sprague, |
| Mr. Ingalls, | Mr. Renwick, | Mr. Walker, 12 |

Mr. Backus, from the committee on the judiciary, reported back to the House, the Senate "Bill authorizing the circuit courts to cause recognizances or other securities for appeals from justices of the peace, to be amended," with an amendment, which was concurred in, and the bill was read a third time and passed.

On motion of Mr. Hammond, the consideration of the general order was postponed.

On motion of Mr. Stockton,

The committee of the whole was discharged from the consideration of "A bill amendatory to part first, title seventh, chapter first of the revised statutes," and the question being upon the amendment reported by the judiciary committee,

Mr. Hammond moved to amend the amendment by striking out the words "and county," which prevailed.

And the amendment as amended was then adopted.

The question then being upon the passage of the bill,

Mr. Larue moved to lay the same upon the table, which motion was lost.

The question recurring upon the passage of the bill as amended, it was then read a third time and passed.

The Speaker called Mr. Tucker to the chair.

Mr. Renwick, on leave, offered the following, which,

On motion of Mr. Howard, was laid upon the table.

Resolved, That no bill shall be taken up and acted upon, either in the House or in committee of the whole, until such

bill shall have been first printed and laid upon the table, at least one day previous to such contemplated action, unless otherwise ordered by the House.

On motion of Mr. Howard, the same was taken up for consideration.

Mr. Renwick moved to amend the resolution by inserting after the word "table," the words "of the members," which amendment was adopted,

And on his motion, the resolution was committed to the committee on rules.

On motion of Mr. Brown, the House adjourned.

Thursday, January 31, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Smith.

The roll being called, there were absent Messrs. Johnson, Mulhollan, Stockton; and Mr. Hart on leave.

LEAVE OF ABSENCE.

Mr. Gregory asked for and obtained leave of absence for Mr. Johnson until Monday.

Mr. Dunham for Mr. Mulhollan, the same.

Mr. Axford for Mr. Stockton, the same.

PETITIONS.

By Mr. Bell. Of Cyrus Lovell and others, of Ionia county, praying relief for settlers on university and state lands. Referred to the select committee on university and school lands.

By Mr. Hammond. Of thirty-one inhabitants of the county of Branch, praying for the removal of the county seat of said county. Referred to the committee on towns and counties.

By Mr. Castle. Two several petitions signed by two hundred and ninety-five inhabitants of the counties of Shiawassee, and Genesee, praying the Legislature to purchase the Detroit and Pontiac railroad. Referred to the committee on internal improvement.

By Mr. Williams. Of H. L. Miller and ninety others, inhabitants of Saginaw county, praying for the same object. Referred to the same committee.

By Mr. Davis. Of three hundred inhabitants of Oakland county praying for the same object. Same reference.

By Mr. Button. Of Eli Curtiss, praying that the conduct of the judges of the Oakland circuit court may be investigated in a certain case therein mentioned. Referred to the committee on the judiciary.

REPORTS.

Mr. Howard, from the committee on internal improvements, to whom was referred a bill from the Senate "to extend the time for completing the Detroit and Pontiac railroad," reported the same back to the House with a recommendation that the same be laid upon the table. And the bill was accordingly laid upon the table.

Mr. Fuller, from the committee on printing, to whom was referred the resolution appointing Cornelius Wendell printer to the Legislature, reported, that as a bill was now pending before the House, for the abolishment of the office of State Printer, the committee asked to be discharged from the further consideration of the subject.

Whereupon the committee was accordingly discharged.

Mr. Backus, from the committee on the judiciary, to whom was referred a resolution proposing to repeal the twenty-seventh section of part three, title two, chapter seven of the revised statutes, reported that no further action is necessary, as a bill had passed the House embracing the object contemplated, and the committee was discharged from the further consideration of the subject.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and filed in the office of the Secretary of State, an act entitled "An act to provide for the re-payment in part, of a sum of money temporarily loaned to the internal improvement fund," also, an act entitled "An act to extend the time for the collection of taxes for the year 1839."

WILLIAM WOODBRIDGE.

Executive Office, January 30, 1840.

Pursuant to previous notice, Mr. Bell obtained leave to introduce "A bill to provide for the collection of delinquent taxes in the county of Ottawa, and for other purposes," which was twice read, and on his motion, laid upon the table and ordered printed.

RESOLUTIONS AND NOTICES.

On motion of Mr. Sprague,

Resolved, That the commissioners of internal improvement be requested forthwith, to lay before this House, a full statement of the doings of the commissioners for the appraisal of damages, accompanied with the certificates of said commissioners of appraisal.

On motion of Mr. Bush,

Resolved, That a select committee of three be appointed to inquire into the claims of the different contractors on the works of internal improvement, with power to send for persons and papers.

The Chair announced as such committee, Messrs. Bush, Davis, and Walker.

Mr. Sprague, gave notice that at some future day, he should ask leave to introduce a bill restricting the powers of sheriffs, and for other purposes.

On motion of Mr. McClelland,

The House took up his joint resolution of yesterday, relative to the appointment of commissioners to revise the laws of this state, which was read a third time and passed.

On motion of Mr. Harbaugh, the general orders were postponed.

On motion of Mr. Hammond,

The House took up his preamble and joint resolution of yesterday, relative to the apportionment of school moneys for the year 1838, and the same was read a third time and passed.

On motion of Mr Harbaugh,

The House resumed, in committee of the whole, the consideration of the "Bill to provide for filing chattel mortgages, and bills of sale of goods and chattels," Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were severally concurred in.

The adoption of the seventh section being decided by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Axford, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Bailey, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bush, | Mr. Howard, | Mr. Sprague, |
| Mr. Button, | Mr. Ingalls, | Mr. Steele, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Tucker, |
| Mr. Davis, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Dunham, | Mr. McClelland, | Mr. Walker, |
| Mr. Foote, | Mr. Moran, | Mr. Williams, |

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NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Castle, | Mr. Lathrop, |
| Mr. Backus, | Mr. Champlin, | Mr. McDonald, |
| Mr. Barbour, | Mr. Cook, | Mr. Miller, |
| Mr. Bird, | Mr. Fuller, | Mr. Newton, |
| Mr. Brown, | Mr. Gregory, | Mr. Spencer, |
| Mr. Carr, | Mr. Larue, | Mr. Speaker, |

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The bill being under consideration, Mr. Harbaugh moved to amend section two, by inserting in the seventh line, after the word "townships," the words "or city," also, in section three, in the eighth line, after the word "townships," the words "or city," likewise, in section four, in the third line, after the word "townships," the words "or city;" which several amendments were adopted.

Mr. Backus, moved to amend section three, in the first line, after the words "chattels," by inserting "or copies thereof;" also, in the fifth line of the same section, by striking out the word "true," and inserting in lieu thereof, the word "further," likewise, in section six, in the first line, after the word "townships," insert "and cities;" which several amendments were adopted.

Mr. Lathrop, moved to further amend the bill by striking out in the fifth line of the sixth section, the words "the like," and insert in lieu thereof, the words "one half of the amount now allowed," which amendment did not prevail.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Underwood,

The House took up the Senate "Bill to extend the time for completing the Detroit and Pontiac railroad," and

On motion of Mr. Bell, the same was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, January 30, 1840. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to inform you that they have concurred in and passed the substitute for the "Bill to extend the time for collecting the taxes, for 1839."

Also, to return the bill amendatory to "An act to provide for the government and discipline of the state prison," approved April 17, 1839, with amendments, in which the concurrence of the House of Representatives is requested.

Also, to return the "Bill to amend part three, title two, chapter seven of the revised statutes," with amendments by the House of Representatives, in which the Senate non-concur.

D. W. KELLOGG,
Secretary of the Senate.

And the amendments to the bill, and title of the "Act amendatory to 'An act to provide for the government and discipline of the state prison,'" approved April 17, 1839, made by the Senate, were concurred in by the House.

And the question being whether the House would recede from its amendments to the "Bill to amend part three, title two, chapter seven of the revised statutes," on motion of Mr. McClelland, the same was laid upon the table.

On motion of Mr. Tucker,

The "Bill for the regulation of internal improvements," was made the special order of the day for to-morrow.

On motion of Mr. Brown, the House adjourned.

Saturday, February 1, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Elliott.

The roll being called, there were absent Messrs. Dunham and Spencer; and Messrs. Hart, Johnson, Mulhollan and Stockton were absent on leave.

PETITIONS.

By Mr. Backus. Of sundry inhabitants of the county of Mackinac, praying for the remission of the state tax in said county. Referred to the committee on ways and means.

By Mr. Hammond. Of sundry inhabitants of the county of Branch, praying for the removal of the county seat of said county. Referred to the committee on towns and counties.

REPORTS.

Mr. Howard, from the committee on rules, to whom was referred a resolution offered in the House on the 30th of January, touching the propriety of causing all bills introduced, to be printed before taken up for the action of the House or in committee of the whole, reported the following rule to be added to the rules of the House:

"No bill shall be taken up in committee of the whole, or for a third reading in the House, until the same shall be printed and laid upon the tables of the members at least one day."

Which report was accepted, and the rule adopted.

Mr. Fuller, from the committee on printing, to whom was referred the "Bill to abolish the office of State Printer," reported the same back to the House with amendments; which was referred to the committee of the whole and entered upon the general order.

Mr. Backus, from the committee on the judiciary, to whom was referred a resolution proposing to amend part first, title five, chapter seven of the revised statutes, reported "A bill to amend part first, title five, chapter seven of the revised statutes," which was read twice, referred to committee of the whole and entered upon the general order.

Mr. Bell, from the committee on banks and incorporations, to whom was referred the Senate "Bill to abolish the office of

bank commissioners," reported the same back to the House with a substitute therefor, entitled "A bill to abolish the office of bank commissioners, and for other purposes," which was ordered to lie upon the table and be printed.

Mr. Ashman, from the committee on roads and bridges, reported "A bill to provide for the laying out and establishing of certain state roads, and for other purposes," which was ordered to lie upon the table and be printed.

The Chair having announced the special order of the day, the House went into committee of the whole on the "Bill for the regulation of internal improvements," Mr. LeBaron in the chair.

After some time spent thereon, the committee rose, reported progress, asked and obtained leave to sit again.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Saturday, February 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to you a "Bill in relation to townships," which they have passed, and respectfully ask the concurrence of the House of Representatives.

Also, a concurrent resolution, which the Senate have passed, and in which the concurrence of the House is also requested.

Also, to return to you the "Bill to provide for the disposition of prisoners apprehended within the county of Macomb, and inform you that the Senate have concurred in and passed the same.

I am also instructed to inform you that the Senate have concurred in the amendment by the House of Representatives to the "Bill authorizing the circuit courts to cause recognizances, or other securities, for appeals from justices of the peace, to be amended."

D. W. KELLOGG,

Secretary of the Senate.

The "Bill in relation to townships" was read twice, and referred to the committee on towns and counties.

The rule being suspended, the resolution from the Senate was read a third time and passed.

Also, the following message from the Senate:

SENATE CHAMBER, }
Saturday, February 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Bill to provide for the collection of the county tax in the city of Detroit, for the year 1839," and inform you that the Senate have concurred in it.

D. W. KELLOGG,

Secretary of the Senate.

Mr. Turner having read a certain paper found upon his table, he offered the following resolution:

Resolved, That Nathaniel I. Daniels, recording clerk of the House of Representatives, be brought to the bar of the House, to answer for conduct which, in the opinion of certain members thereof, is considered disrespectful, both to themselves and to those who are invited by them within the bar of the House.

On motion of Mr. Hammond, the resolution was laid upon the table.

On motion of Mr. Backus,

The House took up the bill returned yesterday from the Senate, entitled "An act to amend part three, title two, chapter seven of the revised statutes," and moved that the House do insist upon their amendments to said bill, which motion prevailed.

Mr. Turner, from the committee on enrolment, reported as correctly enrolled "An act making appropriations to defray the expenses of the transportation to, and support of convicts in the state prison."

Also, "An act to provide for the collection of the county tax in the city of Detroit, for the year 1839."

Mr. Steele, on leave, presented two several petitions from citizens of the county of Ingham, praying for the removal of the county seat of said county. Referred to the committee on towns and counties.

Also, a petition of John Clements and others, relative to highway taxes for 1840. Referred to the committee on ways and means.

On motion of Mr. Tucker, the House adjourned.

Monday, February 3, 1840.

The House met pursuant to adjournment.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, there were absent Messrs. Spencer, Davis, Bailey and Williams; Messrs. Hart and Johnson on leave.

LEAVE OF ABSENCE.

Mr. Moran asked and obtained leave of absence for Mr. Williams, for two days.

Mr. Bell for Mr. Bailey, for one day.

Mr. Button for Mr. Davis, until Wednesday.

Mr. Kenny for Mr. Spencer, for an indefinite period, on account of indisposition.

PETITIONS.

By Mr. Backus. Of sundry spirit dealers and others, praying for the amendment of chapter one, title seven, part one of the revised statutes, so as to make raw and rectified whiskey subject to inspection. Referred to the committee on ways and means.

By Mr. Steele. Sundry petitions from citizens of several townships of the county of Ingham, praying for the removal of the county seat of said county. Referred to the committee on towns and counties.

By Mr. Bell. Of Willard Sibley, a settler upon state lands, praying for relief. Referred to the select committee on university and state lands.

By Mr. Hammond. Of sundry inhabitants of the county of Branch, praying for the removal of the county seat of said county. Referred to the committee on towns and counties.

By Mr. Castle. Of sundry citizens of the counties of Shia-

wassee, Ingham and Saginaw, praying for a state road from Mason, Ingham county, to Saginaw city, Saginaw county. Referred to the committee on roads and bridges.

REPORTS.

Mr. Backus, from the judiciary committee, to whom was referred the petition of the River Raisin and Lake Erie railroad company, praying the state to indemnify them for the damage done to the chartered rights of said company, made a report thereon, and submitted a joint resolution authorizing the Auditor General to purchase the road of said company.

The resolution was referred to the committee of the whole, and ordered printed, and on motion of Mr. Lathrop, the report was laid upon the table and ordered printed.

(See House Document No. 24.)

Mr. Walker, from the committee on the judiciary, who were instructed by resolution to inquire into the constitutionality of sections three, four, five and six, of chapter two, title one, part one of the revised statutes, relative to applications to the Legislature by petition or memorial, made a report thereon, and together with a joint resolution declaring the same to be unconstitutional.

The resolution was referred to the committee of the whole and entered upon the general order, and on motion of Mr. Hammond, the report was laid upon the table and order printed.

(See House Document No. 25.)

Mr. Champlin, from the committee on towns and counties, to whom was referred the Senate bill "relative to townships," reported the same back to the House with amendments, which was referred to the committee of the whole, and placed upon the general order.

Mr. McClelland, from the judiciary committee, asked and obtained leave to have printed, so much as said committee had revised of the "bill defining the powers and duties of justices of the peace."

Mr. Turner, from the select committee to whom was referred the memorial of Alfred Hartshorn and others, praying for the incorporation of a company by the name and style of "the

Lake Superior fishing and mining company," reported, "An act to incorporate the Lake Superior fishing and mining company," which was referred to the committee of the whole, and placed upon the general order.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and filed in the office of the Secretary of State, an act entitled "An act authorizing the Auditor General, the State Treasurer and the Secretary of State, (for the time being) to settle with the Michigan state bank."

Also, an act entitled "An act making appropriation to defray the expenses of the transportation to, and support of criminals in the state prison."

WILLIAM WOODBRIDGE.

Executive Office, February 1, 1840.

RESOLUTIONS AND NOTICES.

On motion of Mr. LeBaron,

Resolved, That a select committee of five members be appointed to inquire into the condition and affairs of the several banking institutions of this state, that have passed into the hands of receivers, whether in any case the chancellor has appointed persons interested in said institutions, receivers thereof; whether or not the Attorney General has advised and directed said receivers to allow individuals, against whom demands existed in said institutions, to purchase and offset the notes of said banks against said demands, after receivers were so appointed; and also, if individuals have been permitted to apply upon judgments obtained against them, the depreciated paper of said banks at par value; and also, why said receivers have not been compelled to render an account of their proceedings; and whether any further legislation is necessary to protect the rights of the people of this state from further fraud in the premises; and that they have power to send for persons and papers, and report as soon as practicable.

And the Chair announced as such committee, Messrs. LeBaron, Hammond, Lathrop, Bell and Underwood.

Mr. McClelland gave notice, that on some future day, he would ask leave to introduce a bill concerning officers of courts of record.

Mr. Pierce gave notice that he should, at some future day, ask leave to bring in a bill to provide for the organization of a court of special sessions, and define its powers and duties.

Mr. Hammond gave notice, that at some future day, he would ask leave to bring in a bill to repeal section eight of an act entitled "An act to amend the chapter of the revised statutes entitled of primary schools," page 200 of the session laws of 1839.

Mr. LeBaron gave notice, that at some future day, he would ask leave to introduce a bill to make appraisement of lands under execution.

The House took up for a third reading, the "Bill to provide for the filing chattel mortgages, &c., which,

On motion of Mr. Harbaugh, was laid on the table.

On motion of Mr. Tucker,

The House took up for consideration, the resolution offered by Mr. Turner, on Saturday last, in relation to the conduct of Nathaniel I. Daniels, which, on motion, was unanimously passed.

On motion of Mr. Hammond,

Resolved, That the Speaker direct the sergeant-at-arms to arrest Mr. Daniels, and bring him to the bar of this House to-morrow morning at 11 o'clock.

On motion of Mr. Brown,

The House took up the preamble and joint resolutions offered by Mr. Backus on the 24th instant.

The same being under consideration, Mr. Hammond moved that the resolutions be taken up and passed upon separately, which motion did not prevail.

The question being upon the passage of the resolutions, they were adopted by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,

Mr. Foote,
Mr. Forbes,
Mr. Fuller,

Mr. McDonald,
Mr. Miller,
Mr. McReynolds,

| | | |
|---------------|---------------|--------------|
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Button, | Mr. Howard, | Mr. Renwick, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Castle, | Mr. Kenny, | Mr. Sprague, |
| Mr. Champlin, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Coleman, | Mr. Lathrop, | |

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NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. Moran, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Steele, | Mr. Walker, |
| Mr. Dunham, | | |

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The question being upon the preamble, it was adopted.

On motion of Mr. McReynolds,

The House again went into committee of the whole on the "Bill for the regulation of internal improvements," Mr. LeBaron in the chair.

After some time spent thereon, the committee rose and reported the same back to the House.

Mr. Howard moved to lay the bill on the table, which was lost by yeas and nays, as follows:

YEAS.

| | | |
|---------------|--------------|-----------------|
| Mr. Bush, | Mr. Foote, | Mr. McClelland, |
| Mr. Button, | Mr. Hammond, | Mr. Pierce, |
| Mr. Cathcart, | Mr. Howard, | Mr. Steele, |
| Mr. Champlin, | Mr. Larue, | Mr. Walker, |

12

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Newton, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Barbour, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Bird, | Mr. Kenny, | Mr. Sprague, |
| Mr. Carr, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Castle, | Mr. McDonald, | Mr. Tucker, |
| Mr. Cook, | Mr. Miller, | Mr. Underwood, |
| Mr. Forbes, | Mr. Moran, | Mr. Speaker, |
| Mr. Fuller, | Mr. McReynolds, | |

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Mr. Harbaugh moved to recommit the bill to the committee on internal improvements, which was lost by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|---------------|--------------|---|
| Mr. Bush, | Mr. Harbaugh, | Mr. Speaker, | |
| Mr. Hammond, | Mr. Stockton, | | 5 |

NAYS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, | |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Gregory, | Mr. Newton, | |
| Mr. Bird, | Mr. Howard, | Mr. Pierce, | |
| Mr. Button, | Mr. Ingalls, | Mr. Renwick, | |
| Mr. Carr, | Mr. Kenny, | Mr. Sanborn, | |
| Mr. Castle, | Mr. Larue, | Mr. Sprague, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Steele, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Tucker, | |
| Mr. Cook, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Foote, | Mr. Miller, | Mr. Walker, | 33 |

Mr. Hammond then moved that it be made the special order of the day, for this day two weeks, pending which,

On motion of Mr. Lathrop, the House adjourned.

Tuesday, February 4, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kundig.

The roll being called, there were absent on leave, Messrs. Hart and Johnson.

PETITIONS.

Mr. Brown presented the claim of J. H. McBride, for publishing the official canvass of the sixth senatorial district. Referred to the committee on claims.

By Mr. Howard. Of Josiah Snow, for compensation for stationery furnished supreme court. Referred to committee on claims.

By Mr. Moran. A remonstrance of John Kirby and others, inhabitants of the town of Hamtramck, objecting against the proposed division of said township. Referred to the committee on towns and counties.

By Mr. Carr. Of seventy-five inhabitants of the county of Washtenaw, praying that the county of Washtenaw may be excepted from the provisions of the statute requiring the busi-

ness of the county to be done by three commissioners, and that the old system of county government by supervisors, may be substituted therefor. Referred to the committee on the judiciary.

By Mr. Hammond. Of thirty-one inhabitants of Branch county, remonstrating against the removal of the county seat of said county. Also, the petition of twenty-four inhabitants of said county, praying for the removal of said county seat; which were severally referred to the committee on towns and counties.

By Mr. Coleman. Of sundry inhabitants of South Haven, praying for the legalization of certain highway taxes in said town. Referred to the committee on the judiciary.

By Mr. Barbour. Of sundry citizens of Barry county, praying for the passage of a law fixing the time of holding the circuit court in said county. Referred to the committee on the judiciary.

By Mr. Backus. Of Robert Abbott, praying for compensation for extra services, &c. Referred to the committee on claims.

Also, of Robert Abbott, praying for relief in relation to taxes. Referred to committee on ways and means.

By Mr. Sanborn. Of sundry inhabitants of the county of Lapeer, praying for the abolition of the office of county commissioners, and for other purposes. Referred to the committee on the judiciary.

REPORTS.

Mr. Brown, from the committee on claims, to whom was referred a petition from William H. Cross, also, one other from Joel Clemens, contractors on the Central railroad, reported the same back to the House and asked to be discharged from their further consideration; whereupon the committee was accordingly discharged; and,

On motion of Mr. Brown,

The same were referred to the select committee on claims.

Mr. Hammond, from the committee on the judiciary, to whom was referred the petition of sundry inhabitants of the

township of Lebanon, county of Clinton, made a report thereon, accompanied by a "Bill for the relief of the township of Lebanon, Clinton county," which was referred to the committee of the whole, and entered upon the general order; and,

On motion of Mr. Hammond,

The report was laid upon the table.

Mr. Champlin, from the committee on towns and counties, reported "A bill for the settlement of disputed township lines."

Also, "An act to provide for the vacation of the present seat of justice of Van Buren county, and to locate the same in the village of Paw Paw, in said county."

Which were severally read twice, referred to the committee of the whole, and entered upon the general order.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed, and deposited in the office of the Secretary of State, an act entitled "An act to provide for the collection of the county tax in the city of Detroit, for the year 1839."

WILLIAM WOODBRIDGE.

Executive Office, February 1, 1840.

Mr. McClelland, pursuant to previous notice, asked and obtained leave to introduce "A bill concerning officers of courts of record," which was read twice and referred to the committee on the judiciary.

Mr. Walker, pursuant to previous notice, asked and obtained leave to introduce "A bill to establish the compensation of members and officers of the Legislature," which was twice read and referred to the committee on the judiciary.

Mr. Pierce, pursuant to previous notice, asked and obtained leave to introduce "A bill to provide for the organization of courts of special sessions, and to define their powers and duties," which was read twice and referred to the committee on the judiciary.

Mr. Hammond, pursuant to previous notice, asked and obtained leave to introduce "A bill to repeal section eight, of an

act entitled 'An act to amend the chapter of the revised statutes, entitled of primary schools,' which was twice read and referred to the committee on education.

Mr. Foote, pursuant to previous notice, asked and obtained leave to introduce "A bill to provide for the assessment of damages occasioned by flowing or otherwise injuring lands by mills and dams," which was read twice and referred to the committee on the judiciary.

Mr. Sprague, pursuant to previous notice, obtained leave to introduce "An act restricting the powers of sheriffs and for other purposes," which was twice read and referred to the judiciary committee.

RESOLUTIONS.

On motion of Mr. Hammond,

Resolved, That the judiciary committee be instructed to inquire whether the session laws of 1839, page 227, section thirty-four, ought not to be so amended as to read "third," instead of "second," in the first line of said section.

On motion of Mr. Backus,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for the settlement of disputes in relation to water powers between tenants in common, and joint tenants, and for making partition between them.

Resolved, That the committee on the judiciary be instructed to inquire what further legislation, if any, is necessary to render the map of private claims, of Aaron Greenly, evidence in courts of law and equity.

Mr. Kenny laid upon the table the following:

Resolved by the Senate and House of Representatives of the State of Michigan, That the supervisors of the several towns in this state, be required, on or before the first day of October next, to transmit to the county clerk of their respective counties, the number (if any) of lunatic or insane persons in their respective towns, noting the age, sex, married or single, mildness or violence of the malady, ostensible means of support, by self or friends, or ability to furnish or procure necessary at-

tendance and medicine, and such further information as may be deemed necessary and useful. And said county clerks are hereby directed to make returns of the same to the Secretary of State, on or before the first day of November next, and the Secretary of State is directed to make report of the same, to the Legislature of this state at its next session.

On motion of Mr. Newton,

Resolved, That the State Treasurer be required to lay before this House such information as he possesses, relative to a standard of weights and measures.

Mr. Fuller laid upon the table the following:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the rates of toll to be paid by passengers on the Central railroad, shall be so regulated by the commissioners of internal improvement in charge of said road, as not hereafter to exceed four cents per mile.

The engrossed bill relative to filing chattel mortgages, was taken up for a third reading.

The same being under consideration, Mr. Hammond moved to lay it upon the table, which did not prevail.

On motion of Mr. Brown,

The vote, to lay the bill upon the table was reconsidered, and, the question recurring upon Mr. Hammond's motion, the bill was laid upon the table.

The Chair announced the special business of the day, and Mr. Daniels being within the bar under the custody of the sergeant-at-arms,

Mr. Renwick moved that he be permitted to explain his conduct, which motion prevailed, and,

On motion of Mr. Harbaugh, he was permitted to answer by counsel.

On motion of Mr. Tucker,

The House required of Mr. Turner a specification of his charges to be made in writing; and,

On motion of Mr. McReynolds,

A copy of the same was furnished the respondent.

Mr. McClelland moved that the respondent reply instant

to the charges preferred against him, which motion prevailed, and, after some remarks upon the case from Jacob M. Howard, Esq., counsel for the respondent, he read the following affidavit of Mr. Daniels:

State of Michigan, Wayne County, ss.

I, Nathaniel I. Daniels, recording clerk of the House of Representatives, now in session, being duly sworn, say, that on the third day of February inst., I was taken into custody by the sergeant-at-arms of the House, by virtue of a warrant signed by the Honorable Speaker, for the purpose of bringing me to the bar of the House, "pursuant to a resolution adopted by the House of Representatives, February 3, 1840, to answer to certain charges preferred against me by a member thereof."

Without yielding any legal objections which I may have to the proceedings, and without admitting the authority of the House to arrest and punish, except in the cases particularly specified in the laws of the state, I respectfully further state, for the information of the House, that on Saturday the first of February inst., while within the bar, and having at the moment little to occupy my attention, save a good humored and facetious conversation with a friend or two who were then sitting within the bar, on the subject of reform and retrenchment, I wrote, or rather scribbled on a small piece of paper that happened to be before me, the words appearing on the document, which was the foundation of the resolution submitted by the Honorable member from Mackinac on that day, and passed on Monday the 3rd inst., in relation, as I presume, to this subject. This paper was intended and received at the time as a mere joke, and was suggested by some remarks that passed between myself and friends at the moment, on the subject above alluded to. Having written it, I fixed it, as I then supposed, on the table of Mr. Ingalls, a member from Oakland county, and a personal acquaintance, merely for the purpose of exciting his mirth, not supposing there was, in reality, any reason whatever for the caution it contained. But through a mistake, I attached it to the table of the Honorable member from Mackinac, with whom then, I had no acquaintance. And I further

say, and declare on my oath, that in all this I intended not the least disrespect to this House, to any member thereof, or to any person invited by them within the bar.

N. I. DANIELS.

Sworn and subscribed before me, this 4th day of February, A. D., 1840.

THEO. WILLIAMS.

Justice of the Peace, Wayne County.

Mr. Foote then offered the following resolution, which was supported by Mr. Turner, and unanimously adopted:

Resolved, That the affidavit just read before the House, submitted by Nathaniel I. Daniels, the recording clerk thereof, and respondent at the bar, is satisfactory and conclusive evidence to this House, that no disrespect was intended to it, or to any member thereof, and that he be forthwith discharged from custody.

The House resumed the consideration of the "Bill for the regulation of internal improvements;" the same being under consideration.

Mr. Hammond withdrew his motion making the bill the special order of the day two weeks from yesterday, and on his motion, the bill was referred to the committee of the whole, and

On motion of Mr. McReynolds,

The House went into committee of the whole on said bill, Mr. LeBaron in the chair.

After some time spent thereon, the committee rose and reported progress on the same, asked and obtained leave to sit again.

On motion of Mr. Hammond, amended by Mr. McClelland,

The House went into committee of the whole on the "Bill to provide for the collection of highway taxes, and to equalize the same, and for other purposes," also, on the "Bill relative to circuit courts, and for other purposes," Mr. Davis in the chair.

After spending some time thereon, the committee rose and reported the first bill back to the House with sundry amendments, which were concurred in, and reported progress on the

"Bill relative to circuit courts, and for other purposes," asked and obtained leave to sit again on the same.

The "Bill to provide for the collection of unpaid highway taxes," &c., being under consideration,

Mr. Renwick moved to amend the same, by striking out in the third line of the second section, the words "one half of," pending which,

Mr. Bush moved to lay the bill upon the table, which motion did not prevail.

The question recurring upon Mr. Renwick's motion, it was lost, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Castle, | Mr. McClelland, |
| Mr. Axford, | Mr. Davis, | Mr. Mulholland, |
| Mr. Barbour, | Mr. Foote, | Mr. Renwick, |
| Mr. Bell, | Mr. Gregory, | Mr. Steele, |
| Mr. Bird, | Mr. Larue, | Mr. Walker, |
| Mr. Bush, | | |

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NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Button, | Mr. Howard, | Mr. Pierce, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Spencer, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Forbes, | Mr. McDonald, | Mr. Williams, |
| Mr. Fuller, | Mr. Miller, | Mr. Speaker, |
| Mr. Hammond, | Mr. Moran, | |

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Mr. Gregory moved to amend by inserting in the 4th line of the first section, after the word "collect," the words "one half of," which was adopted.

On motion of Mr. Lathrop, the first section was amended by adding the following:

"It shall be competent for any person owing such delinquent taxes, to commute for such taxes at any time previous to the first day of October next, by working out such tax in the same manner as is provided by law for the working out of highway taxes."

The bill was then ordered engrossed for a third reading.

The Chair announced a message from the Senate, by their Secretary, Mr. Kellogg, in the words following:

SENATE CHAMBER, }
 Monday, February 3, 1840. }

To the Speaker of the House of Representatives:

SIR—The Senate have instructed me to transmit "A bill to amend part four, title one, chapter four of the revised statutes, and for other purposes;" and to inform you that they have passed the bill, and ask, respectfully, the concurrence of the House of Representatives.

Also, (February 4,) I am instructed to transmit a "Preamble and resolution relative to sale of state drafts," &c., which the Senate have passed, and respectfully ask the concurrence, of the House of Representatives.

And also, to return the joint resolution "in relation to appointment of commissioners to revise the laws," &c., and respectfully inform you, that the Senate have not concurred in it.

D. W. KELLOGG,

Secretary of the Senate.

The "Bill to amend part four, title one, chapter four of the revised statutes, and for other purposes," was twice read and referred to the committee on the judiciary.

The "Preamble and resolution relative to sale of state drafts, &c.," was read twice and referred to the committee on ways and means.

On motion of Mr. Harbaugh,

The joint resolution returned from the Senate, relative to the appointment of commissioners to revise the laws, was laid upon the table.

The Chair announced a communication from the President of the board of internal improvements, containing the information called for by a resolution of the House, respecting amounts awarded to individuals for damages on the several works of internal improvements, which,

On motion of Mr. Harbaugh, was laid upon the table and ordered printed.

(See House Document No. 26.)

Also, a communication from the State Geologist, accompanied by his report, which,

On motion of Mr. Hammond,

Was laid upon the table and five hundred copies of the same ordered printed.

(See House Document No. 27.)

On motion of Mr. McClelland, the House adjourned.

Wednesday, February 5, 1840.

The House met pursuant to adjournment.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, there were absent Messrs. Bailey, Foote and Moran; and Mr. Hart on leave.

LEAVE OF ABSENCE.

Mr. Bell asked and obtained leave of absence for Mr. Bailey for an indefinite period.

Mr. Batoon for Mr. Foote, for two days.

PETITIONS.

By Mr. Tucker. Of Wm. McGuire, praying payment for work done for the state. Referred to the committee on claims.

By Mr. Speaker. Of A. E. Hathorn, for services as special engineer and superintendent of a portion of the Central railroad. Referred to the committee on claims.

By Mr. Underwood. Of the trustees and elders of the first Presbyterian church and society of the village of Adrian, praying that the organization of said society, and that the acts of its trustees may be legalized. Referred to the committee on the judiciary.

By Mr. McClelland. Of sundry citizens of the city of Monroe, praying for a change of the limits of said city. Referred to the committee on banks and incorporations.

The Chair announced a communication from the president and directors of the Bank of Macomb, accompanied by a statement of the affairs of said bank, in accordance with the resolution requiring the same, which,

On motion of Mr. Stockton, was laid upon the table and ordered printed.

(See House Document No. 28.)

REPORTS.

Mr. Renwick, from the committee on ways and means, to whom was referred the petition of Robert Abbott, for relief on account of taxes, reported the same back to the House, and was discharged from the further consideration of the subject; and,

On motion of Mr. Renwick, the same was referred to the committee on the judiciary.

Mr. Champlin, from the committee on towns and counties, reported "An act to re-locate the seat of justice of the county of Ingham," which was referred to the committee of the whole, and entered upon the general order.

Mr. McClelland, from the judiciary committee, to whom was referred the "Bill concerning officers of courts of record," reported the same back to the House, which was referred to the committee of the whole and placed upon the general order.

Mr. Backus, from the same committee, reported back to the House the "Bill to establish the compensation of members and officers of the Legislature," without amendment, and the same was referred to the committee of the whole, and placed upon the general order.

Mr. Pierce laid upon the table the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the joint resolution, passed by the Legislature of this state, and approved March 30, 1838, which is in the following words: "That the Superintendent of Public Instruction be, and he is hereby authorized to furnish to the school inspectors of each township, one copy of the Journal of Education for the use of said inspectors, and also one copy for the district board of each district, for the use of said board, and to deduct the amount of subscription for said copies from the moneys to be apportioned to each district and township," that the aforesaid resolution be, and the same is hereby repealed.

On motion of Mr. Fuller,

The House took up for consideration his joint resolution of

yesterday, relative to the regulation of toll on the Central railroad, and

On motion of Mr. Harbaugh,

The same was referred to the committee on internal improvements.

On motion of Mr. Harbaugh,

The committee of the whole was discharged from the further consideration of the "Bill for the regulation of internal improvements," and on his motion the same was taken up for consideration.

Mr. Renwick moved to strike out all after the enacting clause of said bill, which was lost by yeas and nays, as follows:

YEAS.

Mr. Axford,
Mr. Bush,
Mr. Carr,
Mr. Castle,

Mr. Cathcart,
Mr. Dunham,
Mr. Kenny,

Mr. Renwick,
Mr. Underwood,
Mr. Walker,

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NAYS.

Mr. Ashman,
Mr. Barbour,
Mr. Bird,
Mr. Brown,
Mr. Button,
Mr. Champlin,
Mr. Cook,
Mr. Coleman,
Mr. Davis,
Mr. Forbes,
Mr. Fuller,
Mr. Gregory,

Mr. Hammond,
Mr. Harbaugh,
Mr. Howard,
Mr. Ingalls,
Mr. Johnson,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,
Mr. McClelland,
Mr. McDonald,
Mr. Miller,
Mr. Mulhollan,

Mr. McReynolds,
Mr. Newton,
Mr. Pierce,
Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Steele,
Mr. Stockton,
Mr. Tucker,
Mr. Turner,
Mr. Williams,
Mr. Speaker,

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Mr. Underwood moved to postpone the same for one week, which was negatived by yeas and nays, as follows:

YEAS.

Mr. Carr,

Mr. Cathcart,

Mr. Underwood, 3

NAYS.

Mr. Ashman,
Mr. Axford,
Mr. Barbour,
Mr. Bird,
Mr. Brown,
Mr. Bush,

Mr. Gregory,
Mr. Hammond,
Mr. Harbaugh,
Mr. Howard,
Mr. Ingalls,
Mr. Johnson,

Mr. McReynolds,
Mr. Newton,
Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,

| | | |
|---------------|-----------------|---------------|
| Mr. Button, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Steele, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cook, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Coleman, | Mr. McClelland, | Mr. Turner, |
| Mr. Davis, | Mr. McDonald, | Mr. Walker, |
| Mr. Dunham, | Mr. Miller, | Mr. Williams, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Fuller, | | |

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On motion of Mr. Howard,

The following was adopted as a substitute for the first section of the bill.

"Sec. 1. That the Governor, by and with the advice and consent of both branches of the Legislature, in joint assembly, shall appoint a board of commissioners of internal improvements, to consist of three members, who shall hold their offices for the year and until others are appointed in their places; the first of whom shall be principal commissioner and president of the board, and shall receive for his services twelve hundred dollars per year as full compensation therefor; the other two commissioners shall receive three dollars per day while actually employed in the business of the state; but in case of the death or resignation of the principal commissioner the second commissioner, and the one who shall receive the highest number of votes, shall succeed to the place of the principal commissioner."

Mr. Hammond offered the following resolution, which was not adopted:

Resolved, That bill number sixteen be re-committed to the committee on internal improvements, with instructions to report, as a substitute therefor, such amendments to the present law as will graduate the duties and salaries of the present commissioners according to the principles of the first section just adopted.

On motion of Mr. McReynolds,

The bill was then referred to the committee of the whole; and,

On motion of Mr. Champlin,

The House went into committee of the whole on said bill; Mr. LeBaron in the chair. After some time spent thereon, the committee rose and reported progress, asked and obtained leave to sit again.

And on motion of Mr. Harbaugh, the bill was re-committed to the committee on internal improvements.

The Chair announced a message from the Senate, by their Secretary, Mr. Kellogg, in the words following:

SENATE CHAMBER,
Tuesday, February 4, 1840. }

To the Speaker of the House of Representatives:

SIR—The Senate have directed me to return the bill, amendatory to part one, title seven, chapter one of the revised statutes, and inform you that they have passed the same.

Also, to inform you that the Senate have appointed a committee of conference, consisting of Messrs. Adam, Hawkins and Summers, upon the bill to amend part three, title two, chapter seven of the revised statutes, and respectfully ask for the appointment of a similar committee on the part of the House of Representatives.

D. W. KELLOGG,
Secretary of the Senate.

Mr. Backus moved that a committee of three be appointed to confer with that of the Senate, upon the bill to amend part three, title two, chapter seven of the revised statutes, which motion prevailed.

And the Chair announced as such committee, Messrs. Backus, Tucker and McClelland.

Also, the following from the Senate:

SENATE CHAMBER,
Wednesday, February 5, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to you a bill termed "of religious societies," which they have passed, and in which the concurrence of the House of Representatives is respectfully asked.

D. W. KELLOGG,
Secretary of the Senate.

And said bill was read twice and referred to the committee on the judiciary.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to provide for the disposition of prisoners apprehended in the county of Macomb."

WILLIAM WOODBRIDGE.

Executive Office, February 4, 1840.

The Chair also announced a special message from the Executive relative to the abolishment of certain offices, &c., which, with the accompanying documents, on motion of Mr. Harbaugh, were laid upon the table and ordered printed.

(See House Document No. 29.)

On motion of Mr. Tucker,

The House took up the "Bill to abolish the office of State Printer," &c., and, on his motion, it was made the special order of the day for to-morrow.

On motion, the House then adjourned.

Thursday, February 6, 1840.

The House met pursuant to adjournment.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, there was absent Mr. Turner; and Messrs. Bailey, Foote and Hart, on leave.

PETITIONS.

By Mr. Sprague. A memorial of the members of the total abstinence society of Avon, Oakland county. Referred to the select committee on that subject.

By Mr. Hammond. Of one hundred inhabitants of Branch county, praying for a reduction of the minimum price of university and school lands, sold and unsold. Referred to the committee on university and school lands.

Also, of sundry inhabitants of said county, in relation to a state road. Referred to the committee on roads and bridges.

By Mr. Walker. Of Daniel Thurston and others, relative to burial grounds. Referred to the judiciary committee.

By Mr. Champlin. Of William Page, on the subject of school lands. Referred to the committee on university and school lands.

By Mr. Bush. Of sundry inhabitants of Ingham county, relative to highway taxes in the town of Phillipstown, in said county. Referred to the judiciary committee.

By Mr. Speaker. Of Elisha Robinson, requesting an examination of his claim, for services as clerk, under the act of April 6, 1838, making the Auditor General, auditor of the board of internal improvement. Referred to the committee on claims.

REPORTS.

Mr. Hammond, from the judiciary committee, to whom was referred the "Bill restricting the powers of sheriffs, and for other purposes," reported the same back to the House with a recommendation that the bill do not pass.

The committee being discharged from the further consideration of the bill, it was,

On motion of Mr. Davis, laid upon the table and ordered printed.

Mr. Bush, from the select committee, to whom was referred the claims of certain contractors upon the works of internal improvements, reported favorable to the satisfaction of such claims, and asked to be discharged from the further consideration of the subject; whereupon the committee was accordingly discharged; and,

On motion of Mr. Stockton, the report was laid upon the table and ordered printed.

(See House Document No. 30.)

Mr. Renwick, from the committee on ways and means, to whom was referred the resolution of the Senate, directing the "Auditor General to receive proposals for the sale and purchase of state drafts for the whole or any part of the April,

July and October instalments of the five million loan," reported the same back without amendments, and recommended its passage; which was referred to the committee of the whole, and entered upon the general order.

RESOLUTIONS AND NOTICES.

Mr. Backus gave notice that at some future day he should ask leave to bring in a "Bill to amend the constitution of the first Protestant society of Detroit."

On motion of Mr. Axford,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending part four, title two, chapter nine of the revised statutes, in such a manner as to make all complainants in criminal cases liable for the cost, if the prosecution fails, without the failure is in consequence of a defect in the indictment.

On motion of Mr. Hammond,

Resolved, That the committee on education be instructed to inquire what amendments and alterations in the law regulating primary schools are necessary to reconcile conflicting provisions, and to render the same intelligible and plain, and to report by bill as soon as practicable.

On motion of Mr. Backus,

Resolved, That the board of internal improvement be instructed to lay before this House, the contract, if any, under which the United States mail is now carried on the Central railroad; with whom said contract was originally made, and by whom the same is now held; the compensation the state has received or is to receive, and when payable, and at what hour in the day the cars leave in order to carry said mail, and whether as many passengers are procured by the cars starting at the hour required in the carrying said mail as if they started at another hour, and what hour.

On motion of Mr. Pierce,

The House took up for consideration his joint resolution of yesterday, relative to the Journal of Education; and the same was read a third time and passed.

On motion of Mr. Hammond,

The House took up the petition of Lemuel Bingham, and on his motion the same was referred to a select committee of three.

And the Chair announced as such committee, Messrs. Hammond, Miller and Bell.

The "Bill to provide for the collection of unpaid highway taxes, and to equalize the same, and for other purposes," was taken up for a third reading.

The same being under consideration, Mr. Hammond moved to re-commit it to the committee on the judiciary.

Mr. Lathrop moved to amend the motion, so as to instruct the committee to report whether the provisions of the bill were constitutional, which was adopted, and the motion, as amended, prevailed.

The House also took up the "Bill to provide for filing chattel mortgages," &c., which,

On motion of Mr. McClelland, was re-committed to the judiciary committee.

Mr. Bush, upon leave, laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioners of internal improvement be authorized and empowered to settle all legal claims against the state, made by contractors upon the several works of internal improvement in this state, in consequence of the state's violating her contracts with said contractors.

The House took up for third reading the "Bill to extend the time for completing the Detroit and Pontiac railroad," which,

On motion of Mr. Harbaugh,

Was re-committed to the committee on internal improvements.

The Chair announced as the special order of the day, the "Bill to abolish the office of State Printer," &c., which,

On motion of Mr. Fuller, was postponed.

On motion of Mr. McClelland,

The House went again into committee of the whole on the "Bill relative to circuit courts, and for other purposes," Mr. Davis in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in. The bill being under consideration,

Mr. LeBaron moved to amend the second section, by striking out all of the fourth line, and inserting the following words in lieu thereof; "of criminal causes by jury, and also civil cases, unless otherwise agreed upon by the parties," which amendment was adopted.

On motion of Mr. Backus,

The fourth section was amended by inserting after the word "supersedes," the words "and prohibition."

The bill was then ordered engrossed for a third reading.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act amendatory to part first, title seven, chapter first of the revised statutes."

On motion of Mr. Renwick,

The committee of the whole was discharged from the further consideration of bills number nineteen and twenty, and on his motion the same were taken up for consideration.

Bill number nineteen, entitled "A bill to authorize the Auditor General of the state to obtain money on the credit of the April instalment of the five million loan," being under consideration,

Mr. Walker moved to strike out all after the enacting clause, which did not prevail.

The bill was then ordered engrossed for a third reading.

Bill number twenty, entitled "A bill making special appropriations, and for other purposes," being under consideration, the same was ordered engrossed for a third reading.

On motion of Mr. Steele,

The committee of the whole was discharged from the further consideration of the "Bill to provide for the removal of the seat of justice of the county of Ingham, to the village of Mason," and,

On his motion the same was taken up for consideration.

On motion of Mr. Backus, the first section was amended by adding the following:

"*Provided*, That the conditions specified in the second section of this act be complied with."

Mr. Pierce moved to amend the second section in the 5th line by striking out the word "one," and inserting "five," which did not prevail.

On motion of Mr. Walker,

The second section was amended by adding in the third line, after the word "county," the following:

"At such point in said village as shall be designated by the county commissioners or board of supervisors of said county."

On his motion, the second section was further amended by inserting after the word "county," in the fifth line, the following words:

"At the point so designated as aforesaid."

Mr. Champlin offered the following as an additional section to the bill, which was adopted:

"Sec. 3. That this act shall be in force from and after its passage."

The bill was then ordered engrossed for a third reading.

On motion of Mr. Bell,

The "bill to provide for the collection of delinquent taxes in the county of Ottawa, and for other purposes," was referred to the committee of the whole, and,

On his motion, the House went into committee of the whole on said bill, Mr. Stockton in the chair.

After spending some time thereon the committee rose and reported the same back to the House without amendment.

The bill was then ordered engrossed for a third reading.

The Chair announced a communication from the State Treasurer, respecting a standard of weights and measures, which,

On motion of Mr. Walker, was laid upon the table and ordered printed.

(See House Document No. 31.)

On motion of Mr. Champlin,

The House went into committee of the whole on the "Bill to provide for the laying out and establishing certain state roads, and for other purposes," Mr. Lathrop in the chair.

After spending some time thereon, the committee rose, and

reported the same back to the House with sundry amendments, which were concurred in, the bill being under consideration,

Mr. McReynolds moved to amend the first section by adding the following:

“Or prejudice in any way the interests of any other individual.”

Mr. Hammond moved to amend the amendment by striking out of the first section, all after the enacting clause, which motion prevailed.

Mr. Hammond moved further to amend said bill by including the following in every section, (except the fifth,) which amendment was adopted:

“And file the survey of so much of said road in the office of each township clerk, through which the road shall pass, as shall be laid out in each town.”

On motion of Mr. Gregory, the following was adopted as section fourteen:

“Sec. 14. That in all cases in which damages may be claimed by reason of the construction of any public road, no part of the expenses in laying out and establishing said roads, or in making any alterations contemplated by any of the provisions of this act, shall be deemed chargeable to, or paid from the state treasury.”

Mr. Ashman offered the following as additional sections to said bill, which were severally adopted:

“Sec. 15. That Joseph P. Roberts, Apollos Dewey and Elias Comstock be, and they are hereby appointed commissioners to lay out and establish a state road commencing at the village of Mason, in the county of Ingham, thence in a northerly direction to the village of Owasso, in the county of Shiawassee.”

“Sec. 16. That there shall be laid out and established, a state road commencing at the village of Owasso, in the county of Shiawassee, running from thence in a northerly direction, on the most practicable route to Saginaw city, so called, in Saginaw county, and that Daniel Ball, Alfred L. Williams and

John Jewett be, and they are hereby appointed commissioners to lay out and establish said road."

"Sec. 17. There shall be laid out and established a state road from the village of Lapeer, in the county of Lapeer, on the most eligible and direct route through the township of Metamora, to the village of Pontiac, in the county of Oakland, and that Price B. Webster, E. A. Brownell and Jesse Decker be, and they are hereby appointed commissioners for that purpose."

"Sec. 2. All the fourteenth section of the act entitled 'An act to lay out and establish certain state roads, and for other purposes,' approved April 18th, 1839, is hereby repealed."

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act amendatory to part one, title seven, chapter one of the revised statutes."

WILLIAM WOODBRIDGE.

Executive Office, February 6, 1840.

On motion of Mr. Howard, the House adjourned.

Friday, February 7, 1840.

The House met pursuant to adjournment.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, there was absent Mr. Bell; Messrs. Hart, Bailey and Foote, on leave.

LEAVE OF ABSENCE.

Mr. Hammond asked and obtained leave of absence for Mr. Cathcart. Leave of absence was also granted to Messrs. Walker and Bell, until Monday.

PETITIONS.

By Mr. Brown. Of sundry citizens of Kalamazoo and St. Joseph counties, praying for relief to the settlers on the university and school lands. Referred to select committee on university and state lands.

Also, of William B. Wendell, a settler on university land,

praying the state to relinquish its claims to certain lands. Same reference.

By Mr. Underwood. Of ninety-six citizens of Lenawee county, praying that the office of county commissioners may be abolished. Referred to the committee on the judiciary.

Also, of Clark and McAdam, contractors on Southern railroad, praying for relief. Referred to the committee on internal improvement.

By Mr. Coleman. Of sundry inhabitants of Van Buren county, praying for the appointment of commissioners to locate the seat of justice of said county. Referred to committee on towns and counties.

Also, the petition of sundry citizens of Van Buren county, praying for the alteration of the name of the town now called Alpina. Referred to the committee on the judiciary.

Also, a remonstrance of sundry citizens of Van Buren county, against the removal of the present seat of justice of said county. Referred to the committee on towns and counties.

Also, of the inhabitants of the township of Lawrence, in Van Buren county, praying for the legalization of certain uncollected highway taxes in said township. Referred to the committee on the judiciary.

By Mr. Barbour. Five several remonstrances from sundry inhabitants of the counties of Eaton, Barry and Allegan, against any alteration of the present surveyed route of the Clinton and Kalamazoo canal; which were severally referred to the committee on internal improvement.

Mr. LeBaron presented the report of the Palmyra and Jacksonburg railroad company, and,

On his motion, the same was laid upon the table and ordered printed.

(See House Document No. 32.)

RESOLUTIONS AND NOTICES.

Mr. Backus offered the following preamble and resolution, which was adopted:

Whereas, the militia of Michigan is not in a proper state of organization, nor armed and equipped, consequently not pre-

pared to meet any sudden emergency, which, from the present state of our foreign relations, is likely to arise; *and whereas*, the General Government have only a small force on this frontier, not sufficient for its defence; therefore, be it

Resolved, That the committee on the militia be, and they are hereby instructed and required to report, with as little delay as possible, what measures ought to be adopted, if any, to place this state in a proper attitude of defence from foreign invasions, and that the said committee have leave to report by bill or otherwise.

Mr. Backus gave notice, that at some future day, he should ask leave to bring in a bill to amend the existing law relative to mechanics' liens.

Mr. Castle gave notice, that on some future day, he should ask leave to bring in a bill to convert the appropriation on the northern railroad to the building of a turnpike road.

Mr. Renwick called up for consideration the joint resolution laid upon the table yesterday by Mr. Kenny, "relative to lunatics," &c., and the same was read a third time and passed.

On motion of Mr. Harbaugh,

The "Bill to provide for the laying out and establishing certain state roads, and for other purposes," was taken up, and the same being under consideration,

Mr. Hammond moved a reconsideration of the vote of yesterday, striking out the first section, which motion prevailed.

Mr. Steele then moved to strike out the first section of said bill, and offered the following as a substitute therefor:

"That Joseph H. Kilborn be, and he is hereby authorized to erect a dam across the Red Cedar river, in the county of Ingham, upon the west fraction of the south-east quarter of section number twenty-one, in township number four north, of range one west; *provided*, said dam shall not exceed six feet in height."

Mr. Bush offered the following as an amendment to the substitute, which was accepted by Mr. Steele:

"And provided also, That if it become necessary to use said

Mr. Tucker moved that the sergeant-at-arms be directed to bring into the House, the absentees, which motion prevailed by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. McDonald, |
| Mr. Axford, | Mr. Forbes, | Mr. Miller, |
| Mr. Barbour, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Brown, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bush, | Mr. Howard, | Mr. Sanborn, |
| Mr. Carr, | Mr. Ingalls, | Mr. Steele, |
| Mr. Castle, | Mr. Johnson, | Mr. Tucker, |
| Mr. Champlin, | Mr. Kenny, | Mr. Turner, |
| Mr. Cook, | Mr. Larue, | Mr. Underwood, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Walker, |
| Mr. Davis, | Mr. McClelland, | Mr. Williams, |

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NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Button, | Mr. Mulhollan, | Mr. Sprague, |
| Mr. Harbaugh, | Mr. Renwick, | Mr. Stockton, |
| Mr. Lathrop, | Mr. Spencer, | Mr. Speaker, |
| Mr. Moran, | | |

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Mr. Bush, upon leave, gave notice, that at some future day, he shall ask leave to introduce a bill to provide for the disposition of prisoners apprehended in the county of Livingston, in the Washtenaw county jail.

On motion of Mr. Howard, the further proceedings under the call of the House, were dispensed with.

The question then being upon Mr. Howard's motion to lay upon the table the bill relative to the abolishment of the office of State Printer, it was lost by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Barbour, | Mr. Cook, | Mr. Larue, |
| Mr. Bird, | Mr. Davis, | Mr. LeBaron, |
| Mr. Button, | Mr. Gregory, | Mr. Lathrop, |
| Mr. Carr, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Castle, | Mr. Howard, | Mr. Spencer, |
| Mr. Champlin, | Mr. Kenny, | Mr. Speaker, |

18

NAYS.

| | | |
|-------------|-----------------|---------------|
| Mr. Ashman, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Axford, | Mr. McClelland, | Mr. Sprague, |
| Mr. Brown, | Mr. McDonald, | Mr. Steele, |
| Mr. Bush, | Mr. Miller, | Mr. Stockton, |

| | | |
|--------------|----------------|----------------|
| Mr. Coleman, | Mr. Moran, | Mr. Tucker, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Forbes, | Mr. Newton, | Mr. Underwood, |
| Mr. Fuller, | Mr. Pierce, | Mr. Walker, |
| Mr. Hammond, | Mr. Renwick, | Mr. Williams, |
| Mr. Ingalls, | | |

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Mr. Howard then moved that the bill be made the special order of the day for Monday next, which prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. Larue, |
| Mr. Backus, | Mr. Forbes, | Mr. LeBaron, |
| Mr. Barbour, | Mr. Fuller, | Mr. Lathrop, |
| Mr. Bird, | Mr. Gregory, | Mr. Miller, |
| Mr. Button, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Carr, | Mr. Howard, | Mr. Newton, |
| Mr. Castle, | Mr. Johnson, | Mr. Spencer, |
| Mr. Champlin, | Mr. Kenny, | Mr. Speaker, |
| Mr. Cook, | | |

28

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Axford, | Mr. McClelland, | Mr. Sprague, |
| Mr. Brown, | Mr. McDonald, | Mr. Steele, |
| Mr. Bush, | Mr. Moran, | Mr. Stockton, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Tucker, |
| Mr. Dunham, | Mr. Pierce, | Mr. Underwood, |
| Mr. Hammond, | Mr. Renwick, | Mr. Walker, |
| Mr. Ingalls, | Mr. Sanborn, | Mr. Williams, |

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The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, February 6, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit, herewith, for the concurrence of the House of Representatives, a resolution passed by the Senate, naming the 22d day of February, inst., for the adjournment of the Legislature.

D. W. KELLOGG,

Secretary of the Senate.

And the resolution was read twice and referred to the committee on the judiciary.

Mr. Champlin moved that the committee of the whole be discharged from the consideration of the "Bill for the settlement

of disputed township lines," which motion prevailed, and on his motion, the same was taken up for consideration.

On motion of Mr. Backus,

The first section was amended by adding "provided the expense be paid by the township making such application."

On motion of Mr. Backus,

The following was adopted as an additional section to the bill:

"Sec. 2. That this act shall take effect from and after its passage."

The bill was then ordered engrossed for a third reading.

Mr. Bush moved that his joint resolution of yesterday be taken up for consideration, which motion did not prevail.

On motion of Mr. Harbaugh,

The committee of the whole was discharged from the further consideration of the "Bill for the relief of the township of Lebanon, Clinton county," and on his motion, the same was taken up for consideration.

On motion of Mr. Castle,

The following was adopted as an additional section to the bill.

"Sec. 2. That this act shall be in force from and after its passage."

The bill was then ordered engrossed for a third reading.

Mr. Hammond announced the decease of the Honorable Isaac G. Bailey, late a member of the House of Representatives, and offered the following preamble and resolutions, which were unanimously adopted:

Whereas, the Honorable Isaac G. Bailey, late a member of the House of Representatives, from the county of St. Joseph, has this day deceased, therefore;

Resolved, That in testimony of our respect for the memory of Isaac G. Bailey, late a member of the House of Representatives, who departed this life this morning, the members of the Senate and House of Representatives will wear crape on their left arm during the remainder of the session.

Resolved, That the members of the Senate and House of Representatives, will attend the funeral of this deceased, tomorrow at 3 o'clock, P. M.

Resolved, That when the two houses adjourn, they will adjourn to meet to-morrow at 2 o'clock, for the purpose contemplated in the preceding resolution.

Resolved, That a committee of arrangements to consist of three members of the House and two members of the Senate, be appointed to superintend the funeral of the deceased:

Resolved, That the Senate be respectfully requested to concur in the foregoing resolutions.

The Chair announced, as the committee of arrangements on the part of the House, Messrs. Hammond, Howard and Stockton.

The resolutions having been transmitted to the Senate for their concurrence, Mr. Kellogg, their Secretary, announced to the House, that the Senate had passed the same, and had adjourned.

Also, that the committee of arrangements on the part of the Senate, consisted of Messrs. Etheridge and Lacey.

On motion of Mr. Hammond, the House adjourned.

Saturday, 2 o'clock, P. M., February 8, 1840.

The House met pursuant to adjournment.

The roll being called, there were absent, without leave, Messrs. Castle, Forbes, Gregory, Pierce, Renwick and Spencer.

Prayer, and other religious services, by the Rt. Rev. Bishop McCoskry.

After which, the Hon. David E. Brown delivered the following eulogy over the remains of the Hon. ISAAC G. BASTEX, in presence of the honorable the Senate and House of Representatives.

Senators and Representatives:

The purest feelings of our nature sanctify the custom which renders it proper, upon all solemn occasions like the present, to offer the heart-felt tribute of grateful remembrance and respect to a departed friend. Notwithstanding all the fortitude

with which philosophy may endue the human heart; yet, when the unerring shaft of death strikes down the associate, companion and friend, who so lately stood beside us in the pride and power of manhood, callous must be the breast and cold the heart, that can behold the scene unmoved.

We are here assembled to discharge the last offices of friendship to one of our number—to commit to the grave a valuable member of our body, on whose cheek as but yesterday sat a promise of long health, and whose manly form seemed built to bear the weight of many years; one who gave early and abundant token that his future life would have been as useful to the state as his past had been prosperous to himself and the happy circle around him. “But he shall return no more to his house, neither shall his place know him any more.” The gentle suavity of his amiable manners, shall no longer soothe our affections, and lead us to gather around him. His intelligence shall not again invite and captivate the attentive ear, nor shall the dignified tenor of his honorable character, excite our future admiration.

To enfold departed worth in its burial sheets, and bend the knee over the grave of those we have loved and admired, is an interesting and solemn duty. It improves, chastens and exalts the heart. It brings up to memory, the mournful reality, that man is the child of doubt and danger—that the spectre of uncertainty hovers over his cradled slumbers, darkens the warm noon of his manhood, and extends its dusky arm over the evening of his decline—that to-day he may walk forth in his majesty, the image of God and the lord of creation—to-morrow the mysterious fire of his existence be extinguished, and the cold clod press upon his colder bosom.

“No age is free from Death’s immediate bow,
His shafts are levelled and his victims fall,
The age of infancy, or four-score now,
Alike, avail not—he must conquer all!”

The inanimate body which now lies enshrouded before us, was, no longer than four days since, occupying yon vacant chair, redolent with life and the picture of youthful health and happiness. Yesterday Death came among us, and wisdom,

strength and beauty crumbled, shrank and faded before him; and he—than whom there was not one amongst us more earnest to serve his state and his country; to promote the purity, give new vigor and energy to our institutions and add new lustre to growing Michigan—was the victim.

Gentlemen! to me, whom you have honored with the painful duty of rendering in words, the last tribute of our respect for the deceased, the subject is one of deep interest, and I confess myself unequal to the task of doing it justice. Intimate as we were, and interested as we mutually felt for each others prosperity and happiness, I am unable to afford you all the statistical information I should be glad to, connected with his brief career. But, ISAAC G. BAILEY was the architect of his own fortune, and his unsullied name. Genealogy we do not trace. The youth, who early leaves the home of his father, and rushes afar into the wilderness for fame, for fortune and happiness, seldom carries with him a voucher, and if he goes thus forth with an honest heart, he never needs one. He hews down the forest, sows and reaps, and earns, by the sweat of his brow, the most honorable appellation that can be bestowed upon man.

So, with Mr. Bailey. He was born in New London, in the State of Connecticut—emigrated to Michigan some ten years since—pursued the honorable occupation of a cultivator of the soil, and has well earned the appellation of a pioneer of our young state. By his enterprise, industry, intelligence, and general correctness of deportment, he had won the confidence and esteem of his fellow men—endeared himself to a numerous circle of connections and friends, and earned his way to the elevated position he held in this hall! a representative of the sovereign people! when not yet thirty years of age. Blest, moreover, with a reasonable competence of this world's wealth, and doubly blest in the calm enjoyment of the affection of that companion with whom he had chosen to make the journey of life, he doubtless confidently anticipated many days of happiness and usefulness in store for him. But, alas! he is suddenly taken from us, in the midst of his sanguine hopes and

of the board of internal improvements, relative to the indebtedness of the state to contractors on the several works of internal improvement, which,

On motion of Mr. Harbaugh, was laid upon the table and ordered printed.

(See House Document No. 33.)

Mr. Harbaugh, from the committee on the judiciary, to whom was referred the petition of sundry citizens of the township of Alpina, Van Buren county, praying an alteration of the name of said township, reported the same back to the House, and asked to be discharged from its further consideration; and the same,

On motion of Mr. Coleman, was referred to the committee on towns and counties.

Also, reported back to the House, the petition of sundry citizens of Lawrence township, Van Buren county, relative to the collection of unpaid highway taxes, as the same is being provided for by a bill now pending before the House.

And the committee was discharged from its further consideration.

The Chair announced a communication from the board of internal improvements, relative to the contract for carrying the mail on the Central railroad; which,

On motion of Mr. Bell,

Was, with the accompanying document, laid upon the table and ordered to be printed.

(See House Document No. 34.)

RESOLUTIONS.

On motion of Mr. Turner,

Resolved, That a select committee of five, be appointed to inquire into the present condition of the University of Michigan, and ascertain if any changes are necessary in order to insure its full and permanent success.

And the Chair announced as such committee, Messrs. Turner, Renwick, Hammond, Brown and Miller.

On motion of Mr. McReynolds,

Resolved, That five hundred copies of the eulogy pronounced by the Hon. David E. Brown, of Kalamazoo, over the body of the late Isaac G. Bailey, deceased, a member of this House, from St. Joseph county, with the resolutions, &c., offered by Hon. C. G. Hammond, of Branch, on the same occasion, be printed in pamphlet form for the use of this House.

The following bills were severally read a third time and passed:

"A bill relative to circuit courts, and for other purposes."

"A bill making special appropriations, and for other purposes."

"A bill to provide for the collection of delinquent taxes in the county of Ottawa, and for other purposes."

"A bill for the settlement of disputed township lines."

"A bill to provide for the removal of the seat of justice of the county of Ingham, to the village of Mason."

"A bill for the relief of the township of Lebanon, Clinton county."

House bills numbers nineteen and twenty-two, were taken up for a third reading, and on motion, the same were laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, February 7, 1840.

To the Speaker of the House of Representatives:

SIR—I herewith transmit by direction of the Senate, "A bill to amend part three and title one of the revised statutes;"

"A bill in regard to removing the seat of government, &c.;

"A bill to incorporate the fire department of the city of Detroit;"

And a substitute for the "Bill to amend part three, title two, chapter seven of the revised statutes;" all of which the Senate have passed, and respectfully ask the concurrence therein of the House of Representatives.

Also, I would respectfully inform you, that the Senate have rejected the joint resolution sent them by the House of Repre-

representatives heretofore, "in relation to the appointment of commissioners to revise the laws."

D. W. KELLOGG,

Secretary of the Senate.

The "Bill to amend part three and title one of the revised statutes," was read twice and referred to the committee on the judiciary."

The "Bill relative to removal of the seat of government," was twice read, and referred to the committee on ways and means.

The "Bill to incorporate the fire department of the city of Detroit," was twice read, and referred to the committee on banks and incorporations.

The substitute for the "Bill to amend part three, title two, chapter seven of the revised statutes," was read twice, and referred to the committee on the judiciary.

The Chair having announced as the special order of the day, bill number twenty-six, Mr. Tucker offered a substitute therefor; and,

On motion of Mr. Harbaugh,

"The bill and substitute were laid upon the table, and the substitute ordered printed.

On motion of Mr. Coleman,

The committee of the whole was discharged from the further consideration of bill number twenty-eight, relative to the "removal of the seat of justice of Van Buren county, and, on his motion, the same was taken up for consideration.

On motion of Mr. Backus,

The first line of the first section was amended by striking out the words "is deemed to be," and inserting in lieu thereof, "be and the same is hereby."

And on motion of Mr. Coleman,

The same section was amended by striking out the word "exceed," in the fourth line, and insert in lieu thereof, the words "be less than."

And on his motion, the following was substituted for the second section of said bill:

"Sec. 2. All writs which have been, or may be issued

out of said circuit court since the last term thereof, whether the same were made returnable at the village of Paw Paw, or at the present county seat, shall be returned to, and heard and tried at the village of Paw Paw aforesaid, at the time they are returnable."

The bill was then ordered engrossed for a third reading.

On motion of Mr. Turner,

The House went into committee of the whole on the "Bill to incorporate the Lake Superior fishing and mining company," Mr. Moran in the chair.

After some time spent thereon, the committee rose and reported the same back with sundry amendments, which were concurred in, except the following section:

"Sec. 9. No provisions in this section shall be construed as exempting any member of such corporation from any or all liabilities that may be incurred by said corporation or their legal representatives, but that they are capable of suing and being sued, and that the private property of each and every member of said company is hidden for all liabilities that may be created by said corporation or company."

Which was lost, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Kenny, | Mr. Spencer, |
| Mr. Bird, | Mr. Larue, | Mr. Sprague, |
| Mr. Bush, | Mr. Lathrop, | Mr. Steele, |
| Mr. Button, | Mr. McClelland, | Mr. Turner, |
| Mr. Carr, | Mr. Moran, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Mulholland, | Mr. Speaker, |
| Mr. Johnson, | Mr. McReynolds, | |

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Axford, | Mr. Fuller, | Mr. Miller, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Howard, | Mr. Stockton, |
| Mr. Cook, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Davis, | Mr. LeBeau, | Mr. Williams, |
| Mr. Foote, | Mr. McDonald, | |

Mr. McClelland offered the following additional section to said bill, which was adopted:

"Sec. 1. This act may, at any time hereafter, be amended, modified or repealed by the legislature of this state, by a vote of two-thirds."

Mr. Hammond offered the following, to stand as section twelve:

"Sec. 12. The private property of the stockholders of this company shall be liable for the debts due by the corporation, for one year after the stock shall be transferred; provided, that no stockholder shall be made liable to an amount beyond the amount of stock at any time held by him."

Which was adopted by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Fuller, | Mr. Moran, |
| Mr. Backus, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Bell, | Mr. Howard, | Mr. Sanborn, |
| Mr. Bird, | Mr. Johnson, | Mr. Spencer, |
| Mr. Bush, | Mr. Kenny, | Mr. Sprague, |
| Mr. Button, | Mr. Larue, | Mr. Steele, |
| Mr. Carr, | Mr. LeBaron, | Mr. Tacker, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Turner, |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |
| Mr. Davis, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | | |

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NAYS.

Mr. Ingalls, Mr. McReynolds, Mr. Stockton,

Mr. Fuller moved to amend by striking out of section four, all from the commencement of said section, to the word "Superior," inclusive, in the fifth line; which motion did not prevail.

On motion of Mr. Turner, amended by Mr. Backus, the following was adopted for section thirteen of said bill:

"Sec. 13. That said company shall, within six months, by vote of the board of directors, locate the office of said company, and file in the office of the Secretary of State, a certificate specifying the place of such location, and thereafter, all annual and other meetings of said company shall be held at such place."

the place now denoted by said bill

Mr. Tucker moved to amend by adding the following as an additional section:

"This act shall in no wise be so construed, as extending to the company aforesaid, banking privileges."

Which was adopted.

Also, moved to amend the fourth section, eleventh line, by striking out "the city of Detroit," and inserting "at their office," which was also adopted.

On motion of Mr. Tucker,

The bill was referred to the committee on banks and incorporations.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, a joint resolution entitled "Memorial and resolution of the Legislature of Michigan, relative to building a light house and improving the harbor at Belvidere, at the mouth of Clinton river, on Lake St. Clair."

WILLIAM WOODBRIDGE.

Executive Office, February 8, 1840.

Mr. Harbaugh, on leave, presented the petition of Jacob M. Groot, praying for the reward of \$1,000 offered for the apprehension and conviction of the person who set fire to, and burned down the bridge of the Central railroad over the River Rouge. Referred to the committee on claims.

Mr. Hammond, on leave, presented the petition of two hundred and forty inhabitants of Calhoun county, praying a reduction of the price of university and school lands. Referred to the committee on university and school lands.

Mr. LeBaron gave notice that, at some future day, he would ask leave to bring in a bill to authorize the board of internal improvement to loan a certain amount of railroad iron to the Palmyra and Jacksonburg railroad company.

On motion of Mr. Harbaugh,

The House went into committee of the whole on bill number twenty-three, Mr. Sanford in the chair. After some time

spent thereon the committee rose and reported the same back to the House without amendment.

On motion of Mr. LeBaron, the House adjourned.

Tuesday, February 11, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kundig.

The roll being called, there were absent without leave, Messrs. Renwick and Ingalls.

Mr. Button asked and obtained leave of absence for Mr. Ingalls, for an indefinite period on account of indisposition.

PETITIONS.

By Mr. Bell. Of H. Gilbert, for stationery furnished the supreme court and court of chancery, at Kalamazoo. Referred to the committee on claims.

By Mr. McClelland. Of Lambert Canchois, guardian of a certain minor, praying that a law may be passed authorizing him to convey certain land therein described. Referred to the committee on the judiciary.

Also, a remonstrance of sundry citizens of the city of Monroe, against a change of its limits. Referred to committee on banks and incorporations.

Also, a remonstrance of the common council of said city, on the same subject. Referred to the same committee.

By Mr. Walker. Of sundry citizens of Macomb county, praying for a repeal of the law creating county commissioners. Referred to the committee on the judiciary.

By Mr. Foote. Of Joel Craft and others, against the alteration of the state road, running from Ann Arbor to the village of Flint, Genesee county. Referred to the committee on roads and bridges.

REPORTS.

Mr. Backus, from the judiciary committee, to whom was referred the "Bill to provide for the filing of chattel mortgages and bills of sale of goods and chattels," reported the same

back with amendments; which was referred to the committee of the whole, and placed upon the general order.

Also, from the same committee, reported back Senate bill No. 19, "to amend chapter first, title ten, part first of the revised statutes, entitled 'of religious societies,'" with an amendment; which was referred to the committee of the whole, and placed upon the general order.

Also, the Senate bill "to amend part three, title two, chapter seven of the revised statutes," reported the same back with an amendment; which was referred to the committee of the whole.

Also, from the judiciary committee, to whom was referred the "Bill to provide for the collection of unpaid highway taxes, and to equalize the same, and for other purposes," reported a substitute for the same; which was laid upon the table and ordered printed.

Mr. Backus, from same committee, to whom was referred the several resolutions relative to the reduction of costs and fees in courts and of the several public officers, submitted a report thereon; which was laid upon the table and ordered printed.

(See House Document No. 35.)

Mr. Backus; from the same committee, to whom was referred "A bill to provide for the assessment of damages occasioned by flowing or otherwise injuring lands by mill dams," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus from the same committee, to whom was referred the petition of the trustees and elders of the first Presbyterian church of the village of Adrian, praying for the passage of an act to validate the conveyance of certain real estate, reported a bill for that object; which was laid upon the table and ordered printed.

Mr. Harbaugh, from the judiciary committee, to whom was referred the petition of the inhabitants of the town of Phelpsstown, on the subject of taxes, reported the same back

to the House and asked to be discharged from the farther consideration thereof, there being a bill now before the House relative to the same subject; and the committee were accordingly discharged.

Mr. Harbaugh, from the judiciary committee, to whom was referred the petition relative to burial grounds, submitted a report thereon, and the committee were discharged from the further consideration of the subject.

On motion, the report was laid upon the table.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred a resolution directing the committee to report a bill to provide by law for the payment of the services and expenses of the board of fund commissioners, reported a bill for that object, which was read the first and second time by its title, and referred to the committee of the whole, and placed upon the general order.

Mr. Bell, from the select committee on university and state lands, to whom was referred the petition of settlers on university and state lands, reported a bill for that object; which was laid upon the table and ordered printed.

Mr. Howard, chairman of the committee of internal improvements, to whom was referred sundry remonstrances against the change of the location of the Clinton and Kalamazoo canal, reported the same back to the House, and the committee were discharged from the further consideration of the subject.

Mr. Pierce, chairman of the committee on agriculture, to whom was referred the petition of Chauncey Bush and Zina Pitcher, reported the same back to the House, and asked its reference to the committee on banks and incorporations, which was so referred.

The Chair announced the following message from the Executive, by his private secretary, Langley Bruce, Esq.:

To the House of Representatives:

I herewith communicate to the House of Representatives a letter from the State Treasurer, concerning clerk hire and the incidental expenses of his office. Views similar to those pre-

sented by the Auditor General are contained in it, and without repeating them, I respectfully refer to the remarks with which I accompanied the transmission to you, of the communication of the Auditor General, as in like manner applicable to the office of State Treasurer.

WILLIAM WOODBRIDGE.

Executive Office, February 10, 1840.

On motion of Mr. Ashman,

The communication was referred to a select committee, consisting of Messrs. Ashman, Steele and Sprague.

Mr. McClelland, from the judiciary committee, reported a "Bill relative to costs in criminal prosecutions," which was referred to the committee of the whole and placed upon the general order.

Mr. Hammond, from the judiciary committee, to whom was referred a resolution inquiring into the propriety of repealing the law loaning a sum of money to the "White Pigeon beet sugar company," reported the same back to the House, and the committee were discharged from its further consideration.

Mr. Backus, from the judiciary committee, to whom was referred the Senate bill "to amend chapter one, title ten, part one of the revised statutes, entitled 'of religious societies,'" reported the same back to the House with an amendment, and the bill was referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the Senate bill "to incorporate the fire department of the city of Detroit," reported the same back without amendment, which was referred to the committee of the whole and placed upon the general order.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. McClelland gave notice that he would, at some future day, ask leave to bring in a "Bill to extend the right of appeal from the decision of the court of chancery to the supreme court."

Mr. McClelland, gave notice that he would, at some future

day, ask leave to introduce "A bill to regulate the salary of Governor, and for other purposes."

On motion of Mr. Spencer,

Resolved, That so much of the special message of the Governor to this House, of the fifth instant, as relates to the transferring of the "duties connected with the receipts and expenditure of the common school and university fund, under proper regulations, to the offices of the Auditor General and State Treasurer; and that the salary of the Superintendent of Public Instruction should be greatly reduced," be referred to the committee on university and school lands, with leave to report by bill or otherwise.

Resolved, That the committee on the judiciary be requested to inquire into the expediency of repealing or amending sections three, four, five and six of chapter two, title one, part one of the revised statutes, so as to place less restrictions and embarrassments upon the right of petition, with leave to report by bill or otherwise.

The House took up the "Bill to provide for the re-location of the seat of justice of Van Buren county, and to locate the same in the village of Paw Paw, in said county," which was read the third time and passed.

Also, took up the "Bill to lay out and establish certain state roads," which,

On motion of Mr. Hammond,

Was amended and referred back to the committee on roads and bridges.

On motion of Mr Harbaugh,

The committee of the whole were discharged from the further consideration of the "Bill in relation to townships," and the House concurred in the amendments made thereto, and passed the same.

The House having under consideration a resolution authorizing the Auditor General to obtain money on the credit of the April instalment of the five million loan, the same was,

On motion of Mr. McClelland, referred to the committee on the five million loan.

The "Bill for the abolishment of the office of bank commissioner," was then taken up, read the third time and passed.

On motion of Mr. McClelland,

The House went into committee of the whole on bill number thirty-three, "concerning officers and courts of record," Mr. Underwood in the chair.

After spending some time thereon, the committee rose, reported the bill back with sundry amendments, which were concurred in by the House.

On motion, the rule was suspended, the bill read a third time and passed.

The Speaker announced the following message from the Senate, by their Secretary, D. W. Kellogg, Esq.:

SENATE CHAMBER,
Monday, February 10, 1840. }

To the Speaker of the House of Representatives:

SIR—By direction of the Senate, I herewith transmit to you, a "Bill to establish a district court within the county of Wayne," and also a "Joint resolution in relation to furnishing statutes, session laws, documents, journals, &c., to officers and members of the present Legislature," both of which the Senate have passed, and respectfully ask the concurrence therein of the House of Representatives.

D. W. KELLOGG,
Secretary of the Senate.

And the House having under consideration the "Bill to establish a district court within the county of Wayne," referred the same to the committee on the judiciary.

The House also made the like reference of the "Joint resolution in relation to furnishing statutes, session laws, documents, journals, &c., to officers and members of the present legislature."

On motion of Mr. Hammond,

The House went into committee of the whole on the "Bill to incorporate the fire company of the city of Detroit," Mr. Bush in the chair.

After some time spent thereon, the committee rose and re-

ported the same back with an amendment, which was concurred in by the House.

On motion of Mr. LeBaron,

The bill was so amended as to add an additional section, as follows:

"Sec. 11. And this act shall take effect from and after its passage."

The Speaker announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Tuesday, February 11, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to you the "Bill making special appropriations, and for other purposes," and inform you that the Senate have passed the same.

Also, to return the "Bill for the relief of the township of Lebanon, Clinton county," and also, the "Joint resolution relative to lunatics," &c., both of which the Senate have made amendments to, and passed, as amended, and respectfully ask the concurrence of the House of Representatives in them.

D. W. KELLOGG,
Secretary of the Senate.

And the said "Bill making special appropriations, and for other purposes," was ordered to be enrolled.

The amendments of the Senate to the "Bill for the relief of the township of Lebanon, Clinton county," were concurred in and the bill passed accordingly.

The amendments of the Senate to the "resolution relative to lunatics," &c., were concurred in, and the resolution adopted accordingly.

Mr. Bush called up his "Joint resolution relative to claims on public works."

Mr. Stockton offered a substitute therefor, which was accepted by Mr. Bush.

And on motion, the whole subject was referred to the committee on internal improvements.

On motion of Mr. McClelland,

The House took up the "Bill to authorize the Auditor General of the state to obtain money on the credit of the April instalment of the five million loan," and on his motion the bill was referred back to the committee on ways and means.

On motion of Mr. Hammond, the House adjourned.

Wednesday, February 12, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Crook.

The roll being called, all the members were present except Mr. Ingalls, who was absent on leave.

PETITIONS.

By Mr. Brown. Of S. G. Budlong, a contractor on the Southern railroad, praying for relief. Referred to the committee on internal improvements.

By Mr. Castle. Of David Watson and others, for the organization of a township. Referred to the committee on towns and counties.

Also, of sundry citizens of Shiawassee county, for the abolishment of the office of county commissioners. Referred to the committee on the judiciary.

By Mr. Hammond. Of the proprietors of the Coldwater Observer, for printing adjutant general's orders. Referred to the committee on claims.

REPORTS.

Mr. Brown, from the committee on claims, to whom was referred the claim of Benjamin C. Cox, submitted a report thereon, accompanied by the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be directed to draw his warrant on the treasurer of the internal improvement fund, in favor of Benjamin C. Cox, for eight hundred and seventy-two dollars and sixty-eight cents, which shall be in full for

all the claims of said Cox, as set forth by him in his charge against the state.

(See House Document No. 36.)

Which was read twice, referred to the committee of the whole, and placed upon the general order, and;

On motion of Mr. Tucker, the report was laid upon the table and ordered printed.

Mr. McClelland, from the judiciary committee, to whom was referred a "Bill providing regulations concerning the election of directors of moneyed corporations," reported the same back without amendment; which was referred to the committee of the whole and placed upon the general order.

Mr. Walker, from the judiciary committee, to whom was referred the Senate "Bill entitled an act to amend part fourth, title first and chapter fourth of the revised statutes, and for other purposes," reported the same back with amendments; which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the judiciary committee, to whom was referred the joint resolutions from the Senate, respecting the organization and powers of justices' courts, reported a bill entitled "A bill to prescribe the powers of justices of the peace in civil proceedings," which was referred to the committee of the whole, and placed upon the general order.

Mr. Turner, from the committee on the five million loan, to whom was referred the Senate resolution, directing the Auditor General to receive proposals for the sale of the April, July and October instalments of the five million loan, reported the same back to the House with sundry amendments, which were referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the judiciary committee, to whom was referred the petition of Eli Curtiss, reported the same back to the House, and the committee were discharged from the further consideration thereof, and the petition was laid upon the table.

Mr. Backus, from the judiciary committee, to whom was referred "A bill to provide for the organization of courts of spe-

cial sessions, and to define their powers and duties," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Spencer, from the committee on university and school lands, to whom was referred the petition of William Page, for a quantity of school lands, upon which to erect a school house, reported adverse to the prayer of the petitioner, and the committee was discharged from the further consideration of the same.

Mr. Champlin, from the committee on towns and counties, reported a "Bill to organize certain townships," which was referred to the committee of the whole, and placed upon the general order.

Also, a "Bill to vacate the seat of justice of the county of Branch, and to re-establish the same;" referred to the committee of the whole and placed upon the general order.

Mr. Champlin, from the same committee, to whom was referred the petition of G. B. Griffin and others, reported the same back to the House and was discharged from the further consideration of the subject.

Also, from the same committee, reported adverse to the prayer of the citizens of the township of Hamtramck, for a division of said township, and the committee were discharged from the further consideration of the subject.

Mr. LeBaron, pursuant to leave, introduced a "Bill to provide for the appraisement of property taken on executions and for other purposes." Referred to the committee on the judiciary.

Mr. McClelland, pursuant to previous notice, introduced a "Bill to regulate the salary of Governor and for other purposes." Referred to the committee on that subject.

Also, a "Bill to extend the right of appeal from the decision of the court of chancery to the supreme court." Referred to the committee on the judiciary.

Mr. Steele, pursuant to previous notice, introduced a "Bill to authorize Joseph H. Kilborn to erect a dam across Red Cedar river." Read twice and referred to the committee on the judiciary.

The "Bill to incorporate the fire company of the city of Detroit," was taken up, read a third time and passed.

On motion of Mr. Hammond,

The committee of the whole was discharged from the further consideration of Senate bill number nineteen, "to amend chapter one, title ten, part first of the revised statutes, of religious societies;" and on his motion the House took up the same and concurred in the amendments made thereto.

On motion, the rule was suspended, the bill read a third time and passed.

On motion of Mr. Harbaugh,

The House reconsidered the vote on the passage of the "Bill to incorporate the fire company of the city of Detroit," the question being on its passage, and two thirds of the members present voting in the affirmative, the same was again passed, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Miller, |
| Mr. Axford, | Mr. Forbes, | Mr. Moran, |
| Mr. Backus, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hammond, | Mr. Newton, |
| Mr. Brown, | Mr. Hart, | Mr. Pierce, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Carr, | Mr. Howard, | Mr. Spencer, |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Larue, | Mr. Stockton, |
| Mr. Cook, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Walker, |
| Mr. Davis, | Mr. McClelland, | Mr. Williams, |
| Mr. Dunham, | Mr. McDonald, | Mr. Speaker, |

42

NAYS.

| | | |
|------------|--------------|-------------|
| Mr. Bush, | Mr. Renwick, | Mr. Tucker, |
| Mr. Kenny, | Mr. Steele, | Mr. Turner, |

6

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the further consideration of House bill number thirty-four, "restricting the power of sheriffs, and for other purposes," and on his motion the House took up the same for consideration.

Mr. Tucker moved to strike out all after the enacting clause, which motion was lost by the following vote:

YEAS.

| | | |
|--------------|---------------|----------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Howard, | Mr. Stockton, |
| Mr. Brown, | Mr. Kenny, | Mr. Tucker, |
| Mr. Bush, | Mr. Lathrop, | Mr. Turner, |
| Mr. Coleman, | Mr. Miller, | Mr. Underwood, |
| Mr. Dunham, | Mr. Moran, | Mr. Walker, |
| Mr. Fuller, | Mr. Pierce, | Mr. Williams, |
| Mr. Hammond, | Mr. Renwick, | |

23

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Axford, | Mr. Davis, | Mr. McDonald, |
| Mr. Backus, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Bird, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Button, | Mr. Hart, | Mr. Newton, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |
| Mr. Castle, | Mr. Larue, | Mr. Sprague, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Steele, |
| Mr. Cook, | Mr. McClelland, | Mr. Speaker, |

24

Mr. Backus moved to amend by inserting in the third line, after the word next, "shall be lawful and competent for all constables within their proper counties to serve all processes issuing from courts of record."

Mr. Hammond moved to amend the amendment by striking out all after the word "sheriff," in the third line, and insert "to appoint in any one township more than one deputy."

Mr. McClelland offered the following as a substitute, to come in after the word "sheriff," which was accepted by Mr. Hammond.

"To appoint or continue in office more than four deputies, unless authorized by the circuit court for the proper county, and such appointment, so authorized, shall continue no longer than the session of the court at which the appointments shall be made."

And the amendment to the amendment prevailed as follows:

YEAS.

| | | |
|--------------|--------------|--------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Pierce, |
| Mr. Axford, | Mr. Hammond, | Mr. Renwick, |
| Mr. Barbour, | Mr. Hart, | Mr. Sanborn, |

| | | |
|--------------|-----------------|----------------|
| Mr. Brown, | Mr. Johnson, | Mr. Spencer, |
| Mr. Bush, | Mr. Kenny, | Mr. Steele, |
| Mr. Button, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Carr, | Mr. McClelland, | Mr. Tucker, |
| Mr. Castle, | Mr. McDonald, | Mr. Turner, |
| Mr. Cook, | Mr. Moran, | Mr. Underwood, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Dunham, | Mr. Newton, | Mr. Williams, |
| Mr. Foote, | | |

24

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Backus, | Mr. Gregory, | Mr. Miller, |
| Mr. Bird, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Cathcart, | Mr. Howard, | Mr. Sprague, |
| Mr. Davis, | Mr. Larue, | Mr. Speaker, |
| Mr. Fuller, | Mr. LeBaron, | |

14

Mr. Lathrop moved to reconsider the vote taken on the amendment offered by Mr. McClelland, and the yeas and nays being taken, the motion prevailed, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Moran, |
| Mr. Axford, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Carr, | Mr. Howard, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cook, | Mr. Larue, | Mr. Turner, |
| Mr. Davis, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Foote, | Mr. Lathrop, | Mr. Williams, |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, |
| Mr. Fuller, | | |

28

NAYS.

| | | |
|--------------|-----------------|---------------|
| Mr. Backus, | Mr. Hammond, | Mr. Ranwick, |
| Mr. Barbour, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Brown, | Mr. McClelland, | Mr. Steele, |
| Mr. Bush, | Mr. Miller, | Mr. Stockton, |
| Mr. Button, | Mr. Mulhollan, | Mr. Tucker, |
| Mr. Castle, | Mr. Pierce, | Mr. Walker, |
| Mr. Dunham, | | |

19

The question then recurring upon the adoption of the amendment, it did not prevail.

The question being then taken on Mr. Backus' motion, it did not prevail.

Mr. McClelland moved to strike out all after the word "sheriff" and insert as follows:

"To appoint or continue in office, in the county of Wayne, more than six deputies, and in the other counties of the state, more than four deputies; *Provided, however*, the circuit court for the proper county, shall have the power of authorizing the sheriff to appoint, during the session of the court, more than the ordinary number of deputies; but said appointment not to continue longer than the session of said court;" which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hart, | Mr. Mulhollan, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bush, | Mr. Howard, | Mr. Steele, |
| Mr. Cook, | Mr. Kenny, | Mr. Stockton, |
| Mr. Dunham, | Mr. McClelland, | Mr. Tucker, |
| Mr. Forbes, | Mr. Miller, | Mr. Walker, |
| Mr. Fuller, | Mr. Moran, | Mr. Williams, |
| Mr. Hammond, | | |

22

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Foote, | Mr. Newton, |
| Mr. Backus, | Mr. Gregory, | Mr. Pierce, |
| Mr. Barbour, | Mr. Johnson, | Mr. Renwick, |
| Mr. Bird, | Mr. Larue, | Mr. Spencer, |
| Mr. Button, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Carr, | Mr. Lathrop, | Mr. Turner, |
| Mr. Castle, | Mr. McDonald, | Mr. Underwood, |
| Mr. Cathcart, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Davis, | | |

25

Mr. McClelland then moved the indefinite postponement of the further consideration of the whole subject, which motion was lost by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Backus, | Mr. Hammond, | Mr. Pierce, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Brown, | Mr. Howard, | Mr. Steele, |
| Mr. Bush, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cook, | Mr. McClelland, | Mr. Tucker, |
| Mr. Dunham, | Mr. Miller, | Mr. Underwood, |
| Mr. Forbes, | Mr. Moran, | Mr. Walker, |
| Mr. Fuller, | Mr. Mulhollan, | |

28

NAYS.

| | | |
|-------------|--------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McReynolds, |
| Mr. Axford, | Mr. Gregory, | Mr. Newton, |

| | | |
|---------------|---------------|-----------------|
| Mr. Bird, | Mr. Hart, | Mr. Renwick, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Larue, | Mr. Sprague, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Williams, |
| Mr. Davis, | Mr. McDonald, | Mr. Speaker, 24 |

Mr. Bush moved to amend second line, after the word "next," by inserting "it shall be lawful for constables to serve any process issuing from courts of record of their proper county."

Mr. Tucker moved to amend the amendment, by inserting after the word "sheriff," "*Provided*, said constable shall give the same bonds that are required from the sheriff of the different counties;" which was negated by yeas and nays, as follows:

YEAS.

| | | |
|-------------|-----------------|---------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Renwick, |
| Mr. Brown, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Bush, | Mr. McClelland, | Mr. Stockton, |
| Mr. Carr, | Mr. Mulhollan, | Mr. Tucker, |
| Mr. Castle, | Mr. Newton, | Mr. Turner, |
| Mr. Cook, | Mr. Pierce, | Mr. Walker, |
| Mr. Dunham, | | 19 |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Axford, | Mr. Gregory, | Mr. Miller, |
| Mr. Backus, | Mr. Hart, | Mr. Moran, |
| Mr. Bird, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Button, | Mr. Howard, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Sprague, |
| Mr. Davis, | Mr. Larue, | Mr. Underwood, |
| Mr. Foote, | Mr. LeBaron, | Mr. Williams, |
| Mr. Forbes, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Fuller, | Mr. McDonald, | 26 |

The question recurring on Mr. Bush's amendment, it was negated.

Mr. Backus moved to amend, as follows, to come in at the end of the first section:

"Unless otherwise requested by the party applying for any process."

Pending which motion, Mr. LeBaron moved to adjourn. Lost.

Mr. Howard moved to take a recess until 2 o'clock. Lost.

The question recurring on Mr. Backus' amendment, it was carried, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, |
| Mr. Backus, | Mr. Gregory, | Mr. Moran, |
| Mr. Barbour, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Brown, | Mr. Hart, | Mr. Pierce, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Castle, | Mr. Howard, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Steele, |
| Mr. Cook, | Mr. Kenny, | Mr. Turner, |
| Mr. Dunham, | Mr. Larue, | Mr. Underwood, |
| Mr. Foote, | Mr. Lathrop, | Mr. Walker, |
| Mr. Forbes, | Mr. McClelland, | Mr. Williams, |

33

NAYS.

| | | |
|-------------|-----------------|---------------|
| Mr. Axford, | Mr. LeBaron, | Mr. Renwick, |
| Mr. Bird, | Mr. McDonald, | Mr. Sprague, |
| Mr. Button, | Mr. McReynolds, | Mr. Stockton, |
| Mr. Carr, | Mr. Newton, | Mr. Tucker, |
| Mr. Davis, | | |

13

Mr. Hammond moved to further amend said bill, by inserting after the word "peace," in the fourth line, "except as hereinafter provided;" which was adopted.

On motion of Mr. Hammond, the bill was then ordered engrossed for a third reading.

The Speaker announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Wednesday, February 12, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to you the Senate bill "in relation to townships," and respectfully inform you, that the Senate have non-concurred in the amendment, or substitute by the House, to the first section of the bill, and that they have concurred in the amendment made by the House to the second section of the bill.

Also, to inform you, that the amendments by the House, to the "Bill to incorporate the fire department of the city of Detroit;" and, also, the amendment by the House of Representatives to the bill, entitled "of religious societies," are

severally concurred in, and the bills, as amended, passed by the Senate.

D. W. KELLOGG,

Secretary of the Senate.

On motion of Mr. McClelland, the House adjourned.

Thursday, February 13, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Crook.

The roll being called, there were absent without leave, Messrs. Bell and Coleman.

LEAVE OF ABSENCE.

Mr. Brown asked for and obtained leave of absence for Messrs. Bell and Coleman, for an indefinite period.

PETITIONS.

By Mr. Steele. Of V. Meeker and others, praying for the relief of the collector of the town of Leslie, Ingham county. Referred to the committee on the judiciary.

By Mr. Hart. Of sundry citizens of Calhoun county, praying for the passage of a law for the more speedy collection of debts. Referred to the committee on the judiciary.

By Mr. Underwood. Of Addison J. Comstock, for allowance of claim for damages from the location of Southern state railroad. Referred to the committee on internal improvements.

By Mr. Pierce. Of A. T. Crosman, for services as brigade inspector of fourth brigade, second division of Michigan militia. Referred to the committee on the militia.

REPORTS.

Mr. Backus, from the judiciary committee, to whom was referred a "Bill to extend the rights of appeal from the decisions of the court of chancery to the supreme court," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the same committee, to whom was referred the joint resolution from the Senate, providing "for supplying the officers and members of the legislature with the laws and documents of this session," reported it back without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. McClelland, from the judiciary committee, to whom was referred the Senate bill "to establish a district court within the county of Wayne," reported the same back with amendments; which was referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the petition of sundry citizens of the city of Monroe, praying for a change in the corporate limits of said city, reported adverse to the prayer of the petitioners, and that they may have leave to withdraw their said petition, and the committee were discharged from the further consideration of the subject.

Mr. Backus, from the judiciary committee, to whom was referred the "Bill to authorize Joseph H. Kilborn to erect a dam across the Red Cedar river, reported the same back to the House with an amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Turner, from the committee on enrolment, reported as correctly enrolled, a "Bill for the relief of the township of Lebanon, Clinton county," also, a "Joint resolution relative to lunatics."

Mr. Underwood, from the select committee, to whom was referred the resolution relative to loans by the state, to different railroad companies, submitted a report thereon, which, on motion, was laid upon the table and ordered printed.

(See House Document No. 37.)

Mr. Bush, on leave, introduced a bill entitled "A bill to provide for the disposition of prisoners apprehended in the county of Livingston," which was read twice and referred to the committee on the judiciary.

RESOLUTIONS AND NOTICES.

Mr. Spencer gave notice that, on some future day, he would ask leave to introduce a bill to abolish the existing statutory restrictions upon the right of petition, and to punish fraudulent applications to the legislative and executive branches of the government in this regard.

Mr. Fuller gave notice, that on some future day, he would ask leave to introduce a bill to regulate elections, and for other purposes.

Mr. Newton laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representative in Congress be requested to use their influence in procuring the passage of a law reducing the price of postage upon letters and newspapers, to one half of the present rate.

On motion of Mr. Carr,

Resolved, That the committee on the judiciary be required to report by bill or otherwise; on the several petitions referred to said committee, praying for the abolishment of the office of county commissioners.

On motion of Mr. McClelland,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of amending the law in regard to the election of Representative to Congress, so that the next election shall not take place until after the next apportionment of members of the House of Representatives by Congress.

The House took up the bill "restricting the power of sheriffs and for other purposes."

Mr. Pierce moved for a reconsideration of the vote of yesterday, on the amendment made to the first section of said bill.

And the question being taken, it prevailed as follows:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Bird,
Mr. Brown,

Mr. Fuller,
Mr. Gregory,
Mr. Hart,
Mr. Howard,

Mr. Moran,
Mr. McReynolds,
Mr. Newton,
Mr. Pierce,

| | | |
|---------------|---------------|---------------|
| Mr. Button, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Kenny, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Larue, | Mr. Sprague, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Steele, |
| Mr. Cook, | Mr. Lathrop, | Mr. Turner, |
| Mr. Davis, | Mr. McDonald, | Mr. Williams, |
| Mr. Foote, | Mr. Miller, | Mr. Speaker, |
| Mr. Forbes, | | |

37

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Barbour, | Mr. Harbaugh, | Mr. Tucker, |
| Mr. Bush, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Hammond, | Mr. Stockton, | |

11

The question then recurring upon the adoption of the amendment, it did not prevail.

Mr. Lathrop moved to reconsider the amendment of yesterday, inserting after the word "peace," "except as hereinafter provided," which motion prevailed.

The question then recurring upon the adoption of the amendment, the same was rejected.

Mr. Howard moved the reference of the bill to a select committee of five.

The yeas and nays being called, the same prevailed by the following vote:

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Newton, |
| Mr. Axford, | Mr. Fuller, | Mr. Pierce, |
| Mr. Button, | Mr. Gregory, | Mr. Renwick, |
| Mr. Carr, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Sprague, |
| Mr. Champlin, | Mr. Larue, | Mr. Turner, |
| Mr. Davis, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Foote, | | |

25

NAYS.

| | | |
|--------------|-----------------|-----------------|
| Mr. Barbour, | Mr. Harbaugh, | Mr. Mulhollan, |
| Mr. Bird, | Mr. Kenny, | Mr. McReynolds, |
| Mr. Brown, | Mr. Lathrop, | Mr. Steele, |
| Mr. Bush, | Mr. McClelland, | Mr. Tucker, |
| Mr. Cook, | Mr. McDonald, | Mr. Underwood, |
| Mr. Dunham, | Mr. Miller, | Mr. Walker, |
| Mr. Hammond, | Mr. Moran, | Mr. Williams, |
| Mr. Hart, | | |

22

The Speaker announced as such committee, Messrs. Howard, Davis, Lathrop, Steele and LeBaron.

The Senate bill "in relation to townships," being taken up, it was, on motion of Mr. McClelland, again laid upon the table.

On motion of Mr. McClelland,

The committee of the whole were discharged from the "Bill to amend part three, title two, chapter seven of the revised statutes."

The said bill was read a first and second time, and ordered to a third reading.

The Speaker called Mr. Hammond to the chair.

On motion of Mr. Tucker,

The House went into committee of the whole on the "Bill to abolish the office of State Printer, and for other purposes," Mr. Spencer in the chair.

After some time spent thereon, the committee rose and reported the bill back with sundry amendments, which were concurred in, and the bill being under consideration,

Mr. McClelland proposed to substitute the following as the third section of the bill:

"Sec. 3. That previous to entering into any such contract, it shall be the duty of said officers to advertise in the newspapers of the city of Detroit, for sealed proposals for doing the printing and binding aforesaid, and to continue the advertisement in said papers for three weeks; and that the contract be entered into with those making the lowest proposal, if they offer the requisite security, and if they fail so to do, then with those making the next lowest proposals, provided the requisite security be given, and so on in the order in which the proposals may be made, regard being had to the prices."

Mr. McClelland calling for the yeas and nays, the same was negatived by the following vote:

YEAS.

Mr. Axford,
Mr. Bush,
Mr. Cathcart,
Mr. Davis,
Mr. Dunham,

Mr. Hammond,
Mr. McClelland,
Mr. Mulholland,
Mr. Steele,
Mr. Stockton,

Mr. Turner,
Mr. Underwood,
Mr. Walker,
Mr. Williams,

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, |
| Mr. Barbour, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Button, | Mr. Howard, | Mr. Renwick, |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Kenny, | Mr. Spencer, |
| Mr. Champlin, | Mr. Larue, | Mr. Sprague, |
| Mr. Cook, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Foote, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Forbes, | Mr. McDonald, | |

32

Mr. Miller proposed to strike out the word "attorney," in the third line of the fifth section, and insert in lieu thereof "court or other authority, or person having charge of said notice, shall designate," which motion did not prevail.

Mr. McClelland proposed to amend, by striking out "fifty," in the first and second lines of the third section, and inserting "forty," and the yeas and nays being called, the motion was lost by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bush, | Mr. McClelland, | Mr. Turner, |
| Mr. Cathcart, | Mr. Mulholland, | Mr. Walker, |
| Mr. Dunham, | Mr. Steele, | Mr. Williams, |

12

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Gregory, | Mr. Newton, |
| Mr. Bird, | Mr. Hart, | Mr. Pierce, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Button, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Johnson, | Mr. Spencer, |
| Mr. Champlin, | Mr. Kenny, | Mr. Sprague, |
| Mr. Cook, | Mr. Larue, | Mr. Tucker, |
| Mr. Davis, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Foote, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Forbes, | Mr. Miller, | |

22

Mr. Kenny proposed to amend section nine, by adding, "under the supervision of the Secretary of State," which motion did not prevail.

Mr. McClelland offered the following as an additional section:

"Sec. 12. That this act shall not be so construed as to repeal the resolutions passed by either the House of Representatives or Senate, in regard to the printing to be done for either House during the session."

The yeas and nays being called, the motion was lost by the following vote:

YEAS.

| | | | |
|-----------------|----------------|-------------|---|
| Mr. Hammond, | Mr. Mulhollan, | Mr. Turner, | |
| Mr. McClelland, | Mr. Stockton, | | 5 |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McReynolds, |
| Mr. Axford, | Mr. Forbes, | Mr. Newton, |
| Mr. Barbour, | Mr. Fuller, | Mr. Pierce, |
| Mr. Bird, | Mr. Gregory, | Mr. Renwick, |
| Mr. Brown, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Button, | Mr. Howard, | Mr. Sprague, |
| Mr. Carr, | Mr. Johnson, | Mr. Steele, |
| Mr. Castle, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Larue, | Mr. Underwood, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Walker, |
| Mr. Cook, | Mr. Lathrop, | Mr. Williams, |
| Mr. Davis, | Mr. McDonald, | Mr. Speaker, |
| Mr. Dunham, | Mr. Miller, | |

41

Mr. Hammond moved to amend section four, by adding the following:

"And they shall designate and select such papers, the proprietors of which shall offer to print the laws as aforesaid, at the lowest price, and it shall be the duty of the State Treasurer and Auditor General, to advertise for proposals for the printing contemplated in this section, at least three weeks before said printing is to be done; which motion was rejected by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. McReynolds, |
| Mr. Axford, | Mr. Forbes, | Mr. Stockton, |
| Mr. Bush, | Mr. Hammond, | Mr. Turner, |
| Mr. Carr, | Mr. McClelland, | Mr. Walker, |
| Mr. Cathcart, | Mr. Moran, | Mr. Williams, |
| Mr. Davis, | Mr. Mulhollan, | |

17

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Barbour, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Brown, | Mr. Howard, | Mr. Renwick, |
| Mr. Button, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Kenny, | Mr. Spencer, |
| Mr. Champlin, | Mr. Larue, | Mr. Sprague, |
| Mr. Cook, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Foote, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Fuller, | Mr. McDonald, | Mr. Speaker, |
| Mr. Gregory, | Mr. Miller, | |

29

Mr. Brown moved that the bill be ordered engrossed for a third reading; which motion did not prevail.

Mr. McClelland moved to strike out in the second line of section two, the word "two," and insert in lieu thereof, the word "one;" which motion did not prevail.

Mr. Walker moved to insert after the word "abolished," in the third line of section first, the words "in name only, so that the spoils of the said office may be retained by this act, and secured to the present *ins*, against all contingencies, for the period of two years," so that the same will read "that the office of State Printer be, and the same is hereby abolished, in name only, so that the spoils of the said office may be retained by this act, and secured to the present *ins*, against all contingencies for the period of two years;" which motion was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-------------|
| Mr. Bush, | Mr. Hammond, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Dunham, | Mr. Mulhollan, | |

8

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Brown, | Mr. Howard, | Mr. Renwick, |
| Mr. Button, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Spencer, |
| Mr. Castle, | Mr. Larue, | Mr. Sprague, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Steele, |
| Mr. Cook, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Davis, | Mr. McDonald, | Mr. Underwood, |
| Mr. Foote, | Mr. Miller, | Mr. Williams, |

Mr. Forbes,
Mr. Fuller,

Mr. Moran,

Mr. Speaker,

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Mr. Brown renewed his motion that the bill be ordered engrossed for a third reading.

Mr. Bush proposed amending.

Mr. Tucker, called for the previous question.

The question being, whether the question on ordering the bill engrossed to a third reading should be put, it was decided in the affirmative.

And the bill was ordered to a third reading.

On motion of Mr. Tucker, the House adjourned.

Friday, February 14, 1849.

The House met pursuant to adjournment.

The roll being called, there were absent on leave, Messrs. Bell and Coleman,

PETITIONS.

By Mr. Kenny. Of sundry inhabitants of certain school districts in the town of Scio, praying for the passage of a law to legalize certain illegal proceedings. Referred to the committee on the judiciary.

By Mr. Steele. Of the inhabitants of town three north, range one east, praying for the organization of a township. Referred to the committee on towns and counties.

By Mr. Harbaugh. Of D. Munger for advertising orders, by order of quartermaster general, in the Constantine Republican. Referred to the committee on the militia.

By Mr. Kenny. Of sundry inhabitants of Washtenaw county, praying that the cars on the Central railroad may not run on the Sabbath. Referred to a select committee, consisting of Messrs. Kenny, Underwood, Stockton, Button and Cathcart.

By Mr. Bush. Of sundry inhabitants of township five north, range two east, praying to be set off and organized into a separate township. Referred to the committee on towns and counties.

By Mr. Backus. Of Lemuel Goodell, for articles furnished the supreme court. Referred to the committee on claims.

By Mr. Speaker. Of sundry citizens of Jackson, relative to the Central railroad. Referred to the committee on internal improvements.

By Mr. Carr. Of Oliver Kellogg and others, praying for the repeal of so much of the law as requires the business of the county to be done by commissioners, or except the county of Washtenaw from such law, and re-establish the board of supervisors in said county. Referred to the committee on ways and means.

By Mr. Backus. Of Emily Allan, praying for a conveyance of certain lands. Referred to the committee on the judiciary.

REPORTS.

Mr. Renwick, from the committee on ways and means, to whom was referred the "Bill to authorize the Auditor General of the state to obtain money on the credit of the April instalments of the five million loan," reported the same back to the House with amendments, which was referred to the committee of the whole and placed upon the general order.

The Chair announced a communication from the clerk of the circuit court of St. Clair county, which, on motion, was laid on the table.

RESOLUTIONS AND NOTICES.

Mr. Tucker gave notice that, at some future day, he would ask leave to bring in a "Bill to incorporate the silk manufacturing company."

Also, a "Bill to incorporate the Beet sugar company."

Mr. Walker offered the following preamble and resolutions, which were laid upon the table:

Whereas, the government of the United States is of limited and express powers, granted by the people and the states respectively; and,

Whereas, the creation of a corporation, according to the opinion of Chief Justice Marshall, is the exercise of sovereign power; and,

Whereas, in the enumeration of the powers of Congress of

the United States, as contained in section eight of article one of the constitution, there is contained no express grant of the sovereign power of creating a bank of the United States, and doubt has been, and still is, entertained by eminent statesmen and jurists of the constitutionality of the act of Congress establishing the late bank of the United States; and

Whereas, a territorial government has been declared by Chief Justice Marshall, to be a corporation, created by Congress, and subordinate thereto; and that consequently it would seem questionable whether the legislative council of the late territorial government of Michigan was invested with the constitutional power of creating and chartering banks; being a legislature of derivative and subordinate authority, the creature of congressional enactment, and of minor powers than the national legislature; and

Whereas, it is deeply interesting to the people of this state, that their money should, at all times, be intrusted in legal and safe depositories; therefore,

Be it resolved by the House of Representatives of the State of Michigan, That the judiciary committee be, and they are hereby instructed to inquire into the following points, viz:

First. The validity, under the constitution of the United States, of the bank charters granted by the legislative council of the late territory of Michigan.

Second. If the charters of said banks are violated by the fact of their suspending specie payments and issuing post notes; and if so, what legislative action is necessary to renew and revive those charters, and legalize their past transactions; and report as soon as possible to this House.

Mr. Turner submitted the following resolution, which was laid on the table:

Resolved, That an additional enrolling clerk for this House, be employed during the remainder of the present session, and that he be paid for his services at the same rate as the clerks of this House are paid; and that the committee on enrolment be authorized to appoint said additional clerk.

The Chair announced the following messages from the Executive, by his private secretary, Langley Bruce, Esq.:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act making special appropriations, and for other purposes."

WILLIAM WOODBRIDGE.

Executive Office, February 11, 1840.

To the House of Representatives:

I have this day approved, signed and filed in the office of the Secretary of State, a joint resolution concerning lunatics and others, entitled "A joint resolution."

WILLIAM WOODBRIDGE.

Executive Office, February 13, 1840.

Also, the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER, }
Wednesday, February 13, 1840. }

To the Speaker of the House of Representatives:

SIR—I herewith transmit, by direction of the Senate, a "Bill to incorporate the Marshall cemetery company;" and a "Bill relative to additional assessment of highway taxes;" both of which the Senate have passed, and respectfully ask the concurrence of the House of Representatives.

D. W. KELLOGG,

Secretary of the Senate.

And the House took up the "Bill to incorporate the Marshall cemetery company," and the same was read the first and second times and referred to the committee on banks and incorporations.

The bill relative to highway taxes was read the first and second times and referred to the committee on ways and means.

The House took up the "Bill to amend part three, title two, chapter seven of the revised statutes," which was read a third time and passed.

The House took up Senate bill "in relation to townships," and the question being upon receding from the amendment

made by the House to said bill, the House refused to recede therefrom, whereupon, on motion, the bill was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Friday, February 14, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to you a "Bill to authorize the anticipation of certain instalments of the five million loan," and also a "Bill for the relief of the township clerk of White Lake township, Oakland county," which the Senate have severally passed, and respectfully ask the concurrence of the House of Representatives in them.

Also, I herewith return the bill "relative to circuit courts," &c., with amendments to the same by the Senate, which they have passed as amended, and ask the concurrence therein of the House of Representatives.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill to authorize the anticipation of certain instalments of the five million loan," was read the first and second times, and referred to the committee on ways and means.

And the "Bill for the relief of the clerk of White Lake township," was read the first and second times, and referred to the committee on the judiciary.

And the bill "relative to circuit courts and for other purposes," being under consideration,

On motion of Mr. McClelland,

The same was laid upon the table.

On motion of Mr. Backus,

The House went into committee of the whole on the "Bill to prescribe the powers and duties of justices of the peace," Mr. Hammond in the chair.

After some time spent thereon,

On motion Mr. Brown,

The committee rose, reported progress, asked and obtained leave to sit again.

The Chair announced the following message from the Executive, with accompanying documents, by his private secretary, Langley Bruce, Esq.:

To the House of Representatives:

I have this day received from the commissioners appointed to settle with the Michigan state bank, the accompanying communications, which I have the honor to transmit to the House of Representatives, for the use of both houses.

WILLIAM WOODBRIDGE.

Executive Office, February 13, 1840.

On motion of Mr. Lathrop,

The accompanying documents were laid upon the table and ordered printed.

(See House Document No. 38.)

On motion of Mr. Howard, the House adjourned.

Saturday, February 15, 1840.

The House met pursuant to adjournment.

The roll being called, there were absent without leave, Messrs. Carr, Dunham, Sprague and Stockton.

LEAVE OF ABSENCE.

Mr. Mulhollan asked and obtained leave of absence for Mr. Dunham until Thursday next.

Mr. Spencer for Mr. Carr, the same.

Mr. Davis for Mr. Sprague, until Monday.

Mr. Renwick for Mr. Stockton, the same.

PETITIONS.

By Mr. Howard. Of sundry citizens of the state of Michigan, praying for the adoption of measures to protect the eastern frontier of said state. Referred to the committee on militia.

By Mr. Sanborn. Of the inhabitants of the town of Marathon, Lapeer county, praying for the legalizing of the acts of said inhabitants at a special township meeting, held on the 18th of May, 1839, and for other purposes. Referred to the committee on the judiciary.

By Mr. Foote. Of sundry inhabitants of Oakland county, praying for the repeal of the law in relation to county commissioners, and the re-establishment of the board of supervisors. Referred to the committee on the judiciary.

REPORTS.

Mr. Howard, from the committee on internal improvement, to whom was referred the petitions of the Detroit and Pontiac railroad company, and numerous inhabitants of the northern section of the state; also, the Senate bill relative to the completion of said road, submitted a report accompanied with a bill entitled a "Bill to provide for settling with the Detroit and Pontiac railroad company, and for other purposes," which was laid upon the table and ordered printed.

(See House Document No. 39.)

Mr. Ashman, from the committee on roads and bridges, to whom was referred the "Bill to provide for the laying out and establishing certain state roads," reported the same back with amendments; which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the judiciary committee, to whom was referred a "Bill to provide for the disposition of prisoners apprehended in the county of Livingston," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the judiciary committee, to whom was referred the petition of V. Meeker and others, praying the passage of an act for the relief of the collector of the town of Leslie, in the county of Ingham, reported that the subject matter of the petition is already provided for by an act already passed by the House, and the committee were discharged from the further consideration of the subject.

Mr. Backus, from the same committee, to whom was referred the petition of the inhabitants of a certain school district in the town of Scio, reported the same back, and asked its reference to the committee on education; which was so referred.

Mr. Walker, from the judiciary committee, reported a "Bill

to amend an act relative to trunks, baggage, and other unclaimed personal property," which was read the first and second time, referred to the committee of the whole, and placed upon the general order.

Mr. Backus, pursuant to previous notice, introduced a bill to amend part three, title four, chapter nine of the revised statutes, which was laid upon the table and ordered printed.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the Senate bill "to incorporate the Marshall cemetery company," reported the same back to the House without amendment; which was laid upon the table.

Mr. Harbaugh, from the same committee, to whom was referred the "Bill to incorporate the Lake Superior fishing and mining company," together with the amendments made thereto, reported the same back to the House with sundry additional amendments; which was referred to the committee of the whole and placed upon the general order.

Mr. Renwick, from the committee on ways and means, to whom was referred the Senate bill "relative to taxes," reported the same back to the House without amendment, and recommended that it do not pass.

Mr. LeBaron, from the select committee, to whom was referred the "Bill to restrict the powers of sheriffs, and for other purposes," reported the same back to the House, with an amendment; which was referred to the committee of the whole and placed on the general order.

Mr. Walker, on leave, introduced a "Bill granting certain corporate powers to the joint owners of burial grounds;" which was read the first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Fuller, on leave, introduced a "Bill to reduce the number of members of township boards, and for other purposes;" which was laid upon the table and ordered printed.

The Speaker announced the following message from the Executive, by his private secretary, Langley Bruce, Esq.:

To the House of Representatives:

I have this day approved, signed and deposited in the office

of the Secretary of State, an act entitled "An act to incorporate the fire department of the city of Detroit."

WILLIAM WOODBRIDGE.

Executive Office, February 14, 1840.

RESOLUTIONS.

On motion of Mr. LeBaron,

Resolved, That the judiciary committee be directed to inquire if any amendments are necessary to part two, title four, chapters three, four and five, also part two, title five, chapter one of the revised statutes, and to report by bill or otherwise.

On motion of Mr. Hammond,

Resolved, That the House will hereafter assemble at nine o'clock, A. M., until further ordered, and that when this House adjourn, it shall stand adjourned to that hour on Monday.

On motion of Mr. Underwood,

Resolved, That the committee on the judiciary be instructed to inquire whether the provisions of the laws of this state relative to the taxation of stock in corporations, are sufficiently explicit, or require any amendment, with leave to report by bill or otherwise.

The House took up for a third reading, a "Bill to abolish the office of State Printer, and for other purposes."

Mr. McClelland moved to amend the same by adding the following to the eighth section:

"And that said notices shall have the same force and effect as though no resolution or law had passed this Legislature, in regard to the office of State Printer;" which prevailed.

Mr. Pierce moved to fill the blank, second line of third section, with the words "twenty-five;" which was adopted. In the third line of the ninth section, with three hundred. Lost.

Mr. Harbaugh moved to fill the blank with two hundred and fifty; also lost.

Mr. Hammond moved to fill it with two hundred, carried; and the bill was then passed by yeas and nays as follows:

YEAS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,

Mr. Fuller,
Mr. Gregory,
Mr. Hart,

Mr. Lathrop,
Mr. McDonald,
Mr. Miller,

| | | |
|---------------|---------------|----------------|
| Mr. Bird, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Button, | Mr. Howard, | Mr. Pierce, |
| Mr. Castle, | Mr. Johnson, | Mr. Spencer, |
| Mr. Champlin, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cook, | Mr. Larue | Mr. Underwood, |
| Mr. Foote, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Forbes, | | |

28

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. McClelland, | Mr. Sanborn, |
| Mr. Bush, | Mr. Moran, | Mr. Steel, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Davis, | Mr. McReynolds, | Mr. Walker, |
| Mr. Hammond, | Mr. Renwick, | Mr. Williams, |
| Mr. Ingalls, | | |

16

On motion of Mr. Hammond,

The committee of the whole was discharged from the consideration of the "Bill to authorize the Auditor General of the state to obtain money on the credit of the April instalment of the five million loan," and on his motion the House took up the same for consideration.

Mr. McClelland moved to strike out all after the word "provided," in the fifth line of first section, and insert, "that no order be drawn for a less amount than two hundred dollars."

Mr. Spencer offered the following substitute, which was accepted by Mr. McClelland.

"To the best advantage of the state, in sums not less than two hundred and fifty dollars."

The question being upon Mr. McClelland's motion as amended by Mr. Spencer, it was negatived.

On motion of Mr. McClelland, the bill was read a third time and passed.

On motion of Mr. McClelland,

The House took up the "Bill relative to circuit courts, and for other purposes," and concurred in the amendments made thereto by the senate. The bill was then read a third time and passed.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Friday, February 14, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit, herewith, by direction of the Senate, for the concurrence of the House of Representatives, two bills, which the Senate have passed, to wit: a “Bill containing certain provisions concerning the city of Detroit.” A “Bill to establish a fourth chancery circuit court in the state of Michigan.”

D. W. KELLOGG,

Secretary of the Senate.

And the said bills were severally read the first and second times and referred to the committee on the judiciary.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the further consideration of the “Bill to establish a district court in the county of Wayne,” and on his motion the House took up the same for consideration.

The House concurred in the amendment reported by the judiciary committee.

Mr. Harbaugh moved to insert the following as an additional section, which did not prevail:

“Sec. 12. This act shall take effect from and after its passage.”

The rule being suspended, the bill was then read a third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Axford, | Mr. Hammond, | Mr. Newton, |
| Mr. Backus, | Mr. Hart, | Mr. Pierce, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Bird, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Champlin, | Mr. Johnson, | Mr. Steele, |
| Mr. Cook, | Mr. Kenny, | Mr. Tucker, |
| Mr. Davis, | Mr. LeBaron, | Mr. Turner, |
| Mr. Foote, | Mr. McDonald, | Mr. Walker, |
| Mr. Forbes, | Mr. Miller, | Mr. Williams, |
| Mr. Fuller, | Mr. Moran, | Mr. Speaker, |

36

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bush, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cathcart, | | |

On motion of Mr. Walker,

The committee of the whole were discharged from the further consideration of the Senate bill "to amend part four, title one, chapter four of the revised statutes, and for other purposes," reported back from the judiciary committee, and on his motion, the House took up the same for consideration.

The question being on striking out, the amendments were concurred in, and the bill read the third time and passed.

On motion of Mr. LeBaron,

The House took up bill number forty-one, "to provide for the payment of the services and expenses of the board of fund commissioners, created by an act entitled 'An act to establish the state bank of Michigan,'" which was read a third time and passed.

Mr. Spencer called up the resolution offered by Mr. Moran, on the twenty-seventh January, "relative to holding two sessions per day, which was again laid on the table.

On motion of Mr. Howard,

The House took up the "Bill for the regulation of the board of internal improvement," and on his motion, it was made the special order for Tuesday next.

On motion of Mr. Ingalls, the House adjourned.

Monday, February 17, 1840.

The House met pursuant to adjournment.

The roll being called, there were absent without leave, Messrs. Axford, Bird, Brown, Bush, Champlin, Cook, Foote, Hart, Howard, Larue, LeBaron, Moran, McReynolds, Newton, Pierce, Sanborn, Spencer, Steele, Tucker, Turner, Walker and Williams.

On motion of Mr. Renwick, the sergeant-at-arms was directed to bring in the absent members.

The following members soon appeared and took their seats: Messrs. Axford, Bird, Brown, Bush, Button, Champlin, Cook, Foote, Howard, Larue, LeBaron, Moran, McReynolds, Newton, Pierce, Sanborn, Spencer, Steele, Turner and Walker.

On motion of Mr. Hammond, further proceedings under the call of the House, were dispensed with.

LEAVE OF ABSENCE.

Mr. Brown asked for and obtained leave of absence for Mr. Tucker, for one day.

Mr. Cook for Mr. Hart, for an indefinite period.

PETITIONS.

By Mr. Hammond. Of J. W. Clark and others, for the alteration of a certain road. Referred to the committee on roads and bridges.

By Mr. Cathcart. Of sundry citizens of St. Joseph county, for the organization of a township. Referred to the committee on towns and counties.

By Mr. Underwood. Of the inhabitants of the township of Medina, Lenawee county, praying that the assessment of certain highway taxes may be legalized. Referred to the committee on the judiciary.

By Mr. Sanborn. Of inhabitants of the county of Sanilac, praying for the organization of a township. Referred to the committee on towns and counties.

REPORTS.

Mr. Hammond, from the judiciary committee, to whom was referred the Senate bill "for the relief of the clerk of White Lake township," in the county of Oakland, reported that a bill is now pending before the House, that provides for the desired relief; and the committee were discharged from its further consideration.

Also, the petition from inhabitants of Van Buren county, in reference to unpaid highway taxes, report, that a bill is now pending before the House, that provides for the desired relief asked for in said petition; and the committee were discharged from its further consideration.

Mr. Spencer, from the committee on university and school lands, to whom was referred the petition of David Hamilton, Seth Ballou and Zeri Hamilton, settlers upon university and school lands, submitted a report, accompanied by the following

resolutions; which were placed upon the general order, and the report was laid upon the table.

Resolved by the Senate and House of Representatives of the State of Michigan, That the regents of the university be, and they are hereby requested and empowered to hear and examine the matter of the petition for relief to David Hamilton, Seth Ballou and Zeri Hamilton, settlers on university and school lands, and to direct the Superintendent of Public Instruction, if in their opinions, after such examination, the case demands it, to sell the lands improved by them, embracing to each a quarter section, at the minimum price of twenty dollars per acre, giving the established time for payment; and the said Superintendent is hereby authorized, upon such direction, to sell said lands to said persons upon said terms.

Resolved further, That said regents may, and it shall be their duty, if, upon learning the facts in the case, they are of the opinion, that other or more relief should be extended to said settlers, to report the result of their examinations, together with their recommendations to the next legislature.

Mr. McClelland, from the judiciary committee, to whom was referred the petition of sundry inhabitants of Barry county, relative to fixing the time of holding the circuit court in said county, reported a "Bill to regulate the terms of the supreme and circuit courts and for other purposes," which was referred to the committee of the whole and placed upon the general order.

Mr. Lathrop, from the committee on state prison, reported a bill entitled "An act to amend an act to provide for the government and discipline of the state prison at Jackson," which was laid on the table and ordered printed.

The Chair read a communication from the president of the Michigan state bank, which,

On motion of Mr. Renwick, was laid upon the table and ordered printed.

(See House Document No. 40.)

RESOLUTIONS AND NOTICES.

Mr. Backus offered the following resolution which was adopted:

Resolved, That the committee on education be required to inquire into the expediency of abolishing the several branch universities, and report as soon as may be by bill or otherwise; and also, to inquire what abuses, if any, have existed in the administration of said branch universities.

Mr. Renwick gave notice, that on some future day, he would ask leave to bring in a bill for the reduction of costs in circuit courts.

Also, a bill to repeal "An act to establish a state bank, approved April 3, 1839."

The House took up for a third reading a bill relative to taxes, which,

On motion of Mr. Backus,

Was re-committed to the committee on ways and means, with instructions to incorporate a provision in said bill so that real estate may be levied upon when personal property is exempt from execution.

On motion of Mr. Backus,

The House again went into committee of the whole, on the bill to prescribe the powers of justices of the peace in civil proceedings, Mr. Hammond in the chair.

After spending some time thereon the committee rose and reported the same back to the House with sundry amendments, which were concurred in; the bill being under consideration,

Mr. Spencer moved to strike out the eight section of said bill.

Mr. McClelland moved to amend the amendment by striking out all after the word "may," in the seventh line, to the word "but," in the eleventh line, and inserting in lieu thereof the following: "in further continuation of his suit, sue out a warrant or attachment against the defendant, on his complying with the provisions of the next section of this act," which was accepted by Mr. Spencer, and the same was adopted.

Mr. Walker moved to amend section two by inserting, at the end thereof, the following:

"Or, if signed in the presence of two witnesses, though not in the presence of a justice, *provided*, in such case, it shall first

be proved to such justice that such confession was read by one of such witnesses to the person to be charged thereby, before the signing thereof by him."

Mr. McDonald moved to amend the amendment by striking out of said section, all after the word "justice," in the third line, which was not adopted.

The question recurring upon Mr. Walker's amendment, it did not prevail.

Mr. McReynolds moved to strike out, in section nine, all between the words "behalf," in third line, to "first," in the fifth line, and insert in lieu thereof the following:

"Shall cause to be made and filed with the justice, an affidavit of two respectable citizens, residents of the township, city or county, where such defendant resides, or has resided, specifying as near as may be, the amount of such debt, and either of the following facts:" which amendment was not adopted.

Mr. Kenny moved to amend said section nine, by adding thereto, the following:

"Which facts, or either of them, so set forth by affidavit, may be controverted by the defendant, and the said justice shall decide upon the same;" which amendment was not adopted.

On motion of Mr. Bush,

The said section was amended by inserting at the end of the tenth line, the following:

"Or that the defendant has intentionally avoided the personal service of a summons."

On motion of Mr. McClelland,

The following was adopted as an additional section to said bill:

"Sec. 10. Any plaintiff shall be entitled also, to an attachment against a defendant in any action, founded on judgment or contract, if the plaintiff or some person in his behalf shall make and file with the justice, an affidavit, specifying, as near as may be, the amount of the debt, and that the defendant has absconded to the injury of his creditors; or that the defendant

does not reside in this state, and has not resided therein for one month immediately preceding the time for making application for such attachment."

On motion of Mr. Spencer,

The following was added to the twenty-ninth section: "but in such suits without taxable costs to the plaintiff."

Mr. McReynolds moved to amend the ninth section, by adding the following proviso:

"*Provided nevertheless*, that to substantiate the first and second charge herein provided for, it will be requisite for the plaintiff, in such case, to procure the affidavit of at least one respectable citizen in addition to his, the said plaintiff or plaintiffs, certifying to the justice, of the charge or charges therein set forth;" which amendment was not adopted.

On motion of Mr. Spencer,

The one hundred and fifth section of said bill was amended by striking out all after the word "interested," in the second line.

On motion of Mr. Underwood,

The seventieth section was amended, by striking out all after the word "costs," in the sixth line, to the word "dollars," in the eleventh line, and inserting in lieu thereof, the following: "in three months, if the debt or damages shall not exceed fifty dollars; in six months, if the debt or damages shall be more than fifty, and not exceeding one hundred dollars, and in nine months, if such debt or damages shall exceed one hundred dollars, but this shall not apply to debts already contracted."

Mr. Harbaugh moved to amend the fifty third section by striking out in the fourth line, the words "or otherwise."

Mr. Spencer moved to amend the amendment by striking out of said bill, sections fifty-three, fifty-four and fifty-five, which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|-------------|---------------|--------------|
| Mr. Ashman, | Mr. Castle, | Mr. Sanborn, |
| Mr. Axford, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Bird, | Mr. Larue, | Mr. Sprague, |
| Mr. Bush, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Batton, | Mr. McDonald, | |

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Gregory, | Mr. Mulholland, |
| Mr. Barbour, | Mr. Hammond, | Mr. Newton, |
| Mr. Cathcart, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Champlin, | Mr. Johnson, | Mr. Steele, |
| Mr. Cook, | Mr. Kenny, | Mr. Turner, |
| Mr. Davis, | Mr. McClelland, | Mr. Underwood, |
| Mr. Foote, | Mr. Miller, | Mr. Walker, |
| Mr. Forbes, | Mr. Moran, | |

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The question then recurring upon Mr. Harbaugh's amendment, it did not prevail.

On motion of Mr. Walker,

The thirty-ninth section was amended by inserting the following proviso, after the word "months," in the fifth line:

"Provided, That a party claiming a second or subsequent adjournment, shall further make it appear to the satisfaction of the justice, that he has used reasonable diligence to procure such testimony or witness, since the last adjournment."

Mr. Pierce offered the following as a substitute for section twenty-two, which was not adopted:

"If, at the return day of any attachment, if shall appear by the return that property has been attached, and that a copy of such inventory and attachment has not been personally served, and the defendant shall not appear, the plaintiff may take out a summons against the defendant in continuation of the suit, returnable as in cases commenced by summons; and if such summons shall be returned, that the same has been personally served upon the defendant, or that the defendant could not be found, and that the summons has been served by leaving a copy of said summons at the last place of residence of said defendant, the justice shall proceed to hear and determine the cause in the same manner as upon a summons returned personally served."

Mr. Bush moved to amend the one hundred and second section by striking out all after the word "sheriff" in the first line, to the word "justice," in the third line, which motion did not prevail.

On motion of Mr. Hammond,

The bill was then re-committed to the committee on the judiciary.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to amend chapter first, title tenth, part first of the revised statutes, 'of religious societies.'"

WILLIAM WOODBRIDGE.

Executive Office, February 15, 1840.

And also, the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Saturday, February 15, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform you that a committee of conference has been appointed on the part of the Senate, consisting of Senators Drake, Greenly and Lacey, in relation to the existing disagreement on the "Bill in relation to townships," and the appointment of a like committee on the part of the House is requested.

Also, herewith I return the substitute for the "Bill to abolish the office of bank commissioners," with amendments by the Senate, which they have passed, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. McClelland,

A committee of conference was appointed by the Chair, consisting of Messrs. McClelland, Champlin and Howard, to act with the committee on the part of the Senate on the "Bill in relation to townships."

And on motion of Mr. Hammond,

The "Bill to abolish the office of bank commissioners," was laid upon the table.

On motion of Mr. Turner, amended by Mr. Hammond,

The House went into committee of the whole on bills No. 27 and 47, Mr. Renwick in the chair.

After some time spent thereon, the committee rose and reported back to the House, bill No. 27, entitled "A bill to incorporate the Lake Superior fishing and mining company," with amendments, which were concurred in.

Also, reported progress, asked and obtained leave to sit again on bill No. 47.

On motion of Mr. Backus,

Bill No. 27 was re-committed to the committee on the judiciary, with instructions to incorporate a section in said bill to provide for opening stock books at some appropriate place in this state.

On motion of Mr. Davis,

The committee of the whole was discharged from the further consideration of the "Bill restricting the powers of sheriffs, and for other purposes," and,

On his motion, the same was taken up for consideration.

The question being upon the adoption of the amendment reported by the select committee,

Mr. Spencer offered the following amendment to their amendment, which was adopted:

"And also, except such process as may have been previously issued by such justice, and remaining unexecuted in the hands of the sheriff or any of his deputies."

The amendment as amended was then adopted, and the bill was then ordered engrossed for a third reading.

On motion of Mr. Hammond,

The House took up bill No. 40, for consideration, and on his motion, the same was referred to the committee of the whole.

Mr. Turner moved that the House take up his resolution relative to the appointment of an additional enrolling clerk, which motion did not prevail.

On motion of Mr. McClelland, the House adjourned.

Tuesday, February 18, 1840.

The House met pursuant to adjournment, and on calling the roll, Messrs. Bell, Carr, Dunham, Hart and Tucker were absent on leave.

Prayer by the Rev. Mr. Kundig.

PETITIONS.

Mr. LeBaron presented sundry petitions of the inhabitants of the counties of Jackson and Lenawee, praying for the repeal of the license laws; which were severally referred to the select committee on that subject.

Mr. Walker presented a memorial of the St. Clair and Romeo railroad company, claiming damages. Referred to the committee on claims.

Also, a memorial from the same company, praying for an extension of time to build said road. Referred to the committee on internal improvement.

By Mr. Button. The petition of Amos Mead and others, praying for the passage of a law to discontinue the state road running through the town of Farmington to Byron, in Shiawassee county. Referred to the committee on roads and bridges.

By Mr. Stockton. The memorial of the school inspectors of the town of Clinton, Macomb county, praying the legalization of their acts in relation to a school district in said township. Referred to the committee on the judiciary.

By Mr. Cook. Sundry petitions of the inhabitants of Calhoun county, praying for the completion of one of the proposed railroads through the state. Referred to the committee on internal improvement.

By Mr. Champlin. Ten several petitions containing the names of three hundred and eighty-four inhabitants of Hillsdale county, praying for the removal of the county seat of said county. Referred to the committee on towns and counties.

By Mr. LeBaron. A remonstrance of sundry citizens of St. Joseph county, against a division of the town of Bucks. Referred to the committee on towns and counties.

By Mr. Hammond. A petition of sundry citizens of Kalamazoo, requesting the Legislature to pass resolutions declar-

tory of the powers of congress, in relation to slavery in the District of Columbia and the territories of the United States.

Mr. Howard moved to lay the petition upon the table; which was lost.

Mr. Hammond moved its reference to a select committee of five; which was adopted.

REPORTS.

Mr. Backus, from the judiciary committee, to whom was referred the petitions of Emily Allan and Margaret Goodall, praying for the release of certain lands, reported a bill for that object; which was laid upon the table and ordered printed.

Mr. McClelland, from the judiciary committee, to whom was referred the Senate bill "to establish a fourth chancery circuit court in the State of Michigan," reported a substitute for the same; which was laid upon the table and ordered printed.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred a "Bill granting certain corporate powers to the joint owners of burial grounds," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Also, reported back the "Bill to incorporate the Lake Superior fishing and mining company," with an amendment, according to instructions.

Mr. Renwick, pursuant to previous notice, asked and obtained leave to introduce the following bills: a "Bill to provide for the reduction of costs in the prosecution of civil suits;" which was referred to the committee on the judiciary.

Also, a "Bill to repeal the act entitled 'An act to establish the State bank of Michigan;'" which was referred to the committee on banks and incorporations.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Monday, February 17, 1840. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate, to inform you that they have concurred in the amendments by the House of Represen-

tatives, to the "Bill to establish a district court within the county of Wayne."

And also, to return to the House of Representatives a "Bill to abolish the office of State Printer, and for other purposes," which the Senate have concurred in and passed.

D. W. KELLOGG,

Secretary of the Senate.

RESOLUTIONS.

Mr. Lathrop offered the following:

Resolved, That the select committee on the five million loan be instructed to report to this House the result of their investigations by Monday next.

Which, on motion of Mr. Harbaugh, was laid upon the table.

On motion of Mr. Bush,

Resolved, That the committee on towns and counties be instructed to take into consideration the propriety of fixing a day when the assessors of the several townships of this state, or one from each township shall meet at the county sites of the several counties, to establish some general rule, that uniformity of assessment may take place through said counties.

Mr. Hammond laid upon the table the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General, the State Treasurer and the Secretary of State be, and they are hereby authorized and empowered to audit the claims of Joel Clemens, upon the state, for labor done, materials found, and contingent damages suffered, as contractor on the Central railroad, and to allow such sum or sums therefor, as they may deem just and equitable.

On motion of Mr. McReynolds,

Mr. Lathrop was added to the select committee on the five million loan.

On motion of Mr. Hammond,

The Senate bill "containing certain provisions concerning the city of Detroit," was referred to the committee of the whole and placed upon the general order.

The "Bill restricting the powers of sheriffs and for other purposes," was taken up, read a third time and passed.

The "Bill to incorporate the Lake Superior fishing and mining company," was taken up, and, the amendment reported by the committee, (made in pursuance of instructions given yesterday,) being under consideration,

Mr. Backus moved to re-commit the whole subject again to the committee on banks and incorporations, with instructions; pending which,

On motion of Mr. McClelland, the bill and amendment were both laid upon the table.

The Senate bill "to incorporate the Marshall cemetery company," was taken up, read a third time and passed by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Moran, |
| Mr. Axford, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Howard, | Mr. Newton, |
| Mr. Bird, | Mr. Ingalls, | Mr. Pierce, |
| Mr. Button, | Mr. Johnson, | Mr. Renwick, |
| Mr. Cathcart, | Mr. Larue, | Mr. Spencer, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Coleman, | Mr. McClelland, | Mr. Walker, |
| Mr. Davis, | Mr. McDonald, | Mr. Speaker, |
| Mr. Foote, | Mr. Miller, | |

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NAYS.

| | | |
|-----------|--------------|---|
| Mr. Bush, | Mr. Sanborn, | 2 |
|-----------|--------------|---|

On motion of Mr. Hammond,

The House took up the bill, returned yesterday from the Senate, "to abolish the office of bank commissioners," and the amendments proposed to said bill, by the Senate, being under consideration, the House non-concurred in the amendment to the first section, by yeas and nays, as follows:

YEAS.

| | | |
|-----------------|--|---|
| Mr. McReynolds, | | 1 |
|-----------------|--|---|

NAYS.

| | | |
|-------------|--------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, |
| Mr. Axford, | Mr. Gregory, | Mr. Mulhollan, |

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bird, | Mr. Howard, | Mr. Renwick, |
| Mr. Brown, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Bush, | Mr. Johnson, | Mr. Spencer, |
| Mr. Button, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Steele, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Turner, |
| Mr. Cook, | Mr. McClelland, | Mr. Underwood, |
| Mr. Coleman, | Mr. McDonald, | Mr. Walker, |
| Mr. Davis, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | | 43 |

The amendment proposed to the second section of said bill, being under consideration,

Mr. Lathrop moved to add the following proviso, to the said amendment, which was not adopted:

"Provided, a paper is published in said county, and if not, in the paper published nearest the location of said bank."

The question recurring upon the amendment of the Senate, it was non-concurred in.

The Chair announced Messrs. McClelland, Backus, Stockton, LeBaron and Larue, as the select committee upon the petition of citizens of Kalamazoo, upon the subject of slavery in the District of Columbia, and the territories.

Mr. McClelland asked to be excused from serving as a member of said committee; which request was granted.

Mr. Backus moved a re-consideration of the vote excusing Mr. McClelland; which motion did not prevail.

Messrs. Stockton and Larue, severally requested to be excused, from serving as members of said committee; which was not granted.

Mr. Howard moved again to lay the whole subject upon the table; which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Moran, |
| Mr. Axford, | Mr. Howard, | Mr. Steele, |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, |
| Mr. Coleman, | | |

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NAYS.

Mr. Backus, Mr. Gregory, Mr. McReynolds,

| | | |
|---------------|-----------------|----------------|
| Mr. Barbour, | Mr. Hammond, | Mr. Newton, |
| Mr. Bird, | Mr. Ingalls, | Mr. Pierce, |
| Mr. Brown, | Mr. Kenny, | Mr. Renwick, |
| Mr. Bust, | Mr. Larue, | Mr. Sanborn, |
| Mr. Button, | Mr. LeBaron, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, |
| Mr. Cook, | Mr. McDonald, | Mr. Underwood, |
| Mr. Davis, | Mr. Miller, | Mr. Walker, |
| Mr. Foote, | Mr. Mulholland, | Mr. Speaker, |
| Mr. Forbes, | | |

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Mr. McReynolds moved to appoint Mr. Hammond to fill the vacancy in said committee, which did not prevail.

On motion of Mr. Hammond, Mr. Turner was appointed to fill such vacancy.

The Chair announced as the special order of the day, the "Bill for the regulation of internal improvement;" and,

On motion of Mr. Harbaugh,

The House went into committee of the whole on said bill; the Speaker calling him to the chair.

After spending some time thereon, the committee rose and reported progress on the same, asked and obtained leave to sit again.

On motion of Mr. McClelland,

The committee of the whole was discharged from the further consideration of bill number fifty-one, and submitted the following resolution, which was adopted:

Resolved, That bill number fifty-one, be re-committed to the committee on the judiciary, with instructions to inquire into the expediency of so amending it as to give its provisions a prospective operation, and the chancellor a discretionary power in allowing the appeals contemplated by the bill.

Mr. Underwood from the committee on enrolment, reported as correctly enrolled, "A bill to abolish the office of State Printer and for other purposes."

Mr. McReynolds moved to take up for consideration, bill number thirty-two, which motion did not prevail.

On motion of Mr. Backus, bill number fifty-six, was taken

up, and on his motion, the same was referred to the committee of the whole.

On motion of Mr. Champlin, the House adjourned.

Wednesday, February 19, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, there was absent without leave, Mr. Williams.

PETITIONS.

By Mr. Ingalls. Of sundry citizens of Oakland county, praying for the laying out of a state road through said county. Referred to the committee on roads and bridges.

By Mr. Speaker. Of one hundred and twenty-eight ladies of Jackson, for the repeal of the license laws, which was read and referred to the select committee on that subject.

By Mr. McClelland. Of the Monroe and Ypsilanti railroad company and others, praying for an extension of the time for completing part of said road. Referred to the committee on internal improvement.

By Mr. Pierce. Of the inhabitants of Lima, Washtenaw county, praying for a law to alter the present mode of describing lands. Referred to the committee on ways and means.

By Mr. Newton. Of sundry citizens of Cass county, praying for the laying out of a state road from Battle Creek, Calhoun county, to Niles, Berrien county. Referred to the committee on roads and bridges.

By Mr. Backus. Of John Chamberlin, praying relief for damages sustained on Central railroad. Referred to the committee on internal improvement.

The Chair announced the following gentlemen, to fill the vacancies occasioned by the decease of the Honorable Isaac G. Bailey, in the several standing committees of which he was a member:

Education—Mr. Renwick.

Towns and Counties—Mr. Button.

State Prison—Mr. Cathcart.

REPORTS.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the petition of sundry citizens of Macomb county, praying for the alteration of the Macomb and Saginaw railroad company, to that of a turnpike road, reported for that purpose a "Bill amendatory to an act entitled 'An act to incorporate the Macomb and Saginaw railroad company,' " which was laid upon the table and ordered printed.

Also, reported back to the House without amendment, the "Bill to repeal the act to establish the State bank of Michigan," and was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the committee on the judiciary, reported back to the House with sundry amendments, the "Bill to prescribe the powers of justices of the peace in civil proceedings," which was referred to the committee of the whole, and placed upon the general order.

Also, reported back without amendment, the "Bill to provide for the reduction of costs in the prosecution of civil suits," which was referred to the committee of the whole, and placed upon the general order.

Also, reported a "Bill to provide for the punishment of crimes at common law;" which was referred to the committee of the whole, and placed upon the general order.

Mr. Hammond from the same committee, to whom was referred a memorial from the school inspectors of the township of Clinton, Macomb county, reported the same back to the House, and asked to be discharged from its further consideration; whereupon the committee was accordingly discharged, and,

On motion of Mr. Hammond, the same was referred to the committee on education.

RESOLUTIONS AND MOTIONS.

On motion of Mr. Backus,

Resolved, That the special committee for investigating the condition of the banks, be instructed to report to this House, with as little delay as possible, the result of their investigation.

On motion of Mr. Hammond,

The House took up his joint resolution, laid upon the table yesterday, relative to a settlement with Joel Clemens, contractor on Central railroad; when,

On motion of Mr. Pierce, the same was again laid upon the table.

On motion of Mr. Howard,

The House again went into committee of the whole on the "Bill for the regulation of internal improvement," Mr. Harbaugh in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments.

Mr. Backus moved to lay the same on the table; which motion did not prevail.

Mr. Harbaugh moved that the amendments of the committee be adopted collectively; which motion did not prevail.

The amendments were then taken up, and severally adopted.

The bill being under consideration, on motion of Mr. Lathrop, the twentieth section was amended by striking out the words "ten per cent," and inserting in lieu thereof, "twenty per cent."

On motion of Mr. Kenny, the following proviso was added to the same section:

"Provided, That no person or persons shall be transported or conveyed in any such freight car so attached, except the owner or owners thereof, and his or their agent."

Mr. Pierce offered to amend the ninth section, by substituting the following therefor:

"Sec. 9. Said board may assign any specific duties, required to be performed by this act, and not otherwise provided for, to any one of the commissioners of internal improvement; and they may also employ principal engineer, and so many assistant engineers, not exceeding together with collectors, mechanics and common laborers, as shall be actually necessary to perform the duties required to be performed by this act; and said commissioners are hereby required to agree with and determine the amount of compensation to be paid to each person, respectively, employed by

them, which shall be certified by said commissioners, and be audited by the Auditor General, and paid by the Treasurer upon the warrant of the Auditor General, in the same manner as is provided in the twelfth section of this act, for paying the contractors upon the works of internal improvement: *And provided, further,* That the principal engineer upon any of the works of internal improvement, shall not receive more than at the rate of hundred dollars per year, and each assistant engineer, a sum not exceeding hundred dollars per year; which shall be in full for all services performed and expenses incurred by such principal or assistant engineer; and each collector, so employed, shall receive a sum not exceeding at the rate of hundred dollars per year, for all services rendered and expenses incurred. And each collector shall, before entering upon his duties, execute a bond to the people of this state, with at least two sufficient sureties, to be approved of by the commissioners, in such sum as they may think sufficient to protect the interests of this state, and conditioned for the faithful performance of their duties."

Mr. Renwick moved to amend the amendment, by striking out, in the third line, the words "and assistant engineers, draughtsman," and insert in lieu thereof, the following: "engineers not exceeding two, whose compensation shall not exceed twelve hundred dollars per annum; and so many assistant engineers as may be deemed necessary to carry on the works of internal improvement, not exceeding six, and at a salary not exceeding eight hundred dollars;" which was adopted, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Backus,
Mr. Barbour,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,

Mr. Dunham,
Mr. Foote,
Mr. Fuller,
Mr. Gregory,
Mr. Ingalls,
Mr. Kenny,
Mr. Larue,
Mr. Lathrop,
Mr. McClelland,
Mr. McDonald,

Mr. McReynolds,
Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,
Mr. Steele,
Mr. Stockton,
Mr. Tucker,
Mr. Turner,
Mr. Underwood,

| | | | |
|--------------|----------------|--------------|----|
| Mr. Cook, | Mr. Morah, | Mr. Walker, | |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Speaker, | 36 |

NAYS.

| | | | |
|---------------|---------------|--------------|---|
| Mr. Champlin, | Mr. Hammond, | Mr. LeBaron, | |
| Mr. Davis, | Mr. Harbaugh, | Mr. Miller, | |
| Mr. Forbes, | Mr. Howard, | Mr. Sprague, | 9 |

The question then recurring upon Mr. Pierce's substitute, it was not adopted.

Mr. Backus moved to amend the same section, by striking out in the fourth line, the words, "and other persons."

Mr. Renwick moved to amend the amendment, by inserting in lieu thereof, the words "laborers and mechanics," which was accepted by Mr. Backus, and the amendment was then adopted, by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|---------------|----------------|----|
| Mr. Axford, | Mr. Foote, | Mr. Moran, | |
| Mr. Backus, | Mr. Fuller, | Mr. Pierce, | |
| Mr. Barbour, | Mr. Ingalls, | Mr. Renwick, | |
| Mr. Button, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, | |
| Mr. Castle, | Mr. Larue, | Mr. Steele, | |
| Mr. Coleman, | Mr. Lathrop, | Mr. Tucker, | |
| Mr. Dunham, | Mr. McDonald, | Mr. Underwood, | 24 |

NAYS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, | |
| Mr. Bird, | Mr. Gregory, | Mr. McReynolds, | |
| Mr. Bush, | Mr. Hammond, | Mr. Spencer, | |
| Mr. Cathcart, | Mr. Harbaugh, | Mr. Turner, | |
| Mr. Champlin, | Mr. Howard, | Mr. Walker, | |
| Mr. Cook, | Mr. LeBaron, | Mr. Speaker, | |
| Mr. Davis, | Mr. McClelland, | | 20 |

Mr. Pierce offered the following as a substitute for section twelve:

"Sec. 12. Whenever it shall be necessary to pay any person or persons for any labor performed or that which shall hereafter be performed by any contractor, or any other person upon any of the works of internal improvement of this state, the commissioner or commissioners having the charge of said works, shall require the engineer that is stationed on the line of public works, once in each month, or oftener, if the commissioners shall think the same to be necessary, to make an estimate of

the work actually performed by each contractor and the amount due on each contract for such work, and the said engineer shall give such contractor a certificate of the work performed and the amount due, and shall sign his name thereto. The contractor receiving said certificate shall present the same to the acting commissioner, if there be one, and if there be no acting commissioner, then to the board of commissioners; and providing they shall be satisfied that the sum so specified in said certificate is due to such contractor, they or a majority of them shall sign the same, and providing the certificate shall appear to be incorrect, said commissioners shall alter the same to the sum actually due, and sign the same as aforesaid, which certificate shall be presented to the Auditor General, and providing the Auditor General shall be satisfied that the amount of said certificate is justly due to said contractor or other person holding the same, over and above all claims the state may have against him, he shall audit and allow the same or so much thereof as he shall be satisfied is due, and shall draw his warrant upon the Treasurer of this state for the amount so due and audited; and the Treasurer, upon receiving said warrant, is hereby required to pay the same out of any moneys belonging to the internal improvement fund that has been appropriated to that portion of the works of internal improvements."

Which was rejected by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-------------------|
| Mr. Ashman, | Mr. Coleman, | Mr. McDopald, |
| Mr. Axford, | Mr. Dunham, | Mr. Pierce, |
| Mr. Backus, | Mr. Foote, | Mr. Renwick, |
| Mr. Barbour, | Mr. Forbes, | Mr. Sanborn, |
| Mr. Button, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Carr, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cook, | Mr. Larue, | Mr. Underwood, 21 |

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Bird, | Mr. Harbaugh, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Howard, | Mr. McReynolds, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Sprague, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Steele, |
| Mr. Davis, | Mr. Lathrop, | Mr. Turner, |
| Mr. Fuller, | Mr. McClelland, | Mr. Walker, |

Mr. Gregory,
Mr. Hammond,

Mr. Miller,
Mr. Moran,

Mr. Speaker,

23

On motion of Mr. Gregory,

The twenty-third section was amended by inserting in the eighth line, after the word "embezzle," the words "improperly withhold;" also, the same after the word "embezzled," in the twelfth line.

Mr. Fuller moved to amend the seventh section, in the sixteenth line, by inserting after the word "except," the words "under and;" also, to strike out in the same line, the word "previously," and insert in lieu thereof the words "hereafter to be," which amendments were not adopted.

On motion of Mr. Hammond, the bill was laid upon the table.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act relative to circuit courts and for other purposes."

WILLIAM WOODBRIDGE,

Executive Office, February 19, 1840.

Mr. Turner moved that the House take up for consideration the preamble and joint resolution, offered by Mr. Walker on the 14th inst., instructing the judiciary committee to inquire into the validity of bank charters granted by the legislative council of the territory of Michigan; pending which,

Mr. Tucker moved that the House adjourn, which prevailed, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,
Mr. Bird,
Mr. Carr,
Mr. Cathcart,
Mr. Champlin,
Mr. Cook,
Mr. Coleman,

Mr. Davis,
Mr. Foote,
Mr. Forbes,
Mr. Gregory,
Mr. Harbaugh,
Mr. Howard,
Mr. Ingalls,
Mr. Johnson,
Mr. Kenny,

Mr. Larue,
Mr. Miller,
Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Tucker,
Mr. Speaker,

27

NAYS.

| | | |
|--------------|-----------------|-----------------|
| Mr. Axford, | Mr. Lathrop, | Mr. McReynolds, |
| Mr. Bush, | Mr. McClelland, | Mr. Steele, |
| Mr. Button, | Mr. McDonald, | Mr. Turner, |
| Mr. Dunham, | Mr. Moran, | Mr. Underwood, |
| Mr. Hammond, | Mr. Mulhollan, | Mr. Walker, |
| Mr. LeBaron, | | |

16

Thursday, February 20, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent without leave, Messrs. Castle, Coleman and Ingalls.

LEAVE OF ABSENCE.

Mr. Barbour asked for and obtained leave of absence for Mr. Castle, for one day.

PETITIONS.

Mr. Underwood presented the remonstrance of sundry citizens of Calhoun county, against the alteration or discontinuance of the state road leading from Coldwater to Battle Creek. Referred to the committee on roads and bridges.

By Mr. Moran. The memorial of Henry Conner, praying relief in relation to taxes. Referred to the committee on ways and means.

Also, the claim of Peter Desnoyers, for services as late State Treasurer. Referred to the committee on claims.

By Mr. Forbes. Of Wm. C. Maples, of the town of Greenfield, Wayne county, praying relief for damages sustained by the location of the Central railroad. Referred to the committee on claims.

By Mr. Brown. Of sundry citizens of Kalamazoo and Calhoun counties, praying for the appointment of commissioners to lay out a certain state road. Referred to the committee on roads and bridges.

Also, of sundry citizens of Kalamazoo county praying for a reduction of the minimum price of university lands. Referred to the committee on university and school lands.

REPORTS.

Mr. Hammond, from the judiciary committee, to whom was referred a petition of certain inhabitants of Lenawee county, in reference to taxes in a certain school district in said county, reported the same back to the House and the committee were discharged from its further consideration, and on his motion, the same was referred to the committee on education.

Mr. McClelland, from the judiciary committee, in accordance with a resolution to them referred, reported "A bill to amend titles four and five, part two of the revised statutes," which was referred to the committee of the whole and placed upon the general order.

Mr. Renwick, from the committee on ways and means, to whom was referred the substitute, from the Senate, for Senate bill number three, "to authorize the anticipation of certain instalments of the five million loan," reported the same back to the House without amendment, which was laid upon the table.

Mr. Renwick, from the same committee, to whom was referred a petition from sundry inhabitants of the township of Lima, in the county of Washtenaw, relative to an alteration of the law providing for the description of land by sections, reported adverse to the prayer of the petition, and the committee were discharged from its further consideration.

RESOLUTIONS AND NOTICES.

Mr. McClelland gave notice that he would, at some future day, ask leave to introduce a bill to repeal section forty-seven of "An act to incorporate the city of Monroe."

Also, a bill to amend the act entitled "An act to abolish imprisonment for debt and to punish fraudulent debtors, and for other purposes,"

Mr. Larue gave notice, that at some future day, he would ask leave to bring in a bill entitled "A bill to amend chapter fourth, title third, part first of the revised statutes."

Mr. Bush gave notice, that at some future day, he would ask leave to introduce "A bill to amend part first, title fifth, chapter fifth of the revised statutes of Michigan."

On motion of Mr. LeBaron,

Resolved, That the committee on university and school lands be directed to inquire into the expediency of the passage of a law authorizing the Superintendent of Public Instruction to give separate certificates to individuals who have heretofore purchased school lands jointly, agreeably to their request. Also, to deduct from lands sold, the amount of rivers, &c., within the boundary of such lands, not estimated in the United States surveys. Also, to inquire into the propriety of extending the time of payments on school lands sold during the last year, and to report by bill or otherwise.

On motion of Mr. Champlin,

Resolved, That the committee on the judiciary be instructed to ascertain if the law directing the county treasurers to collect the specific state tax, should not be so amended as to allow said treasurers five per cent on such collection, and report by bill or otherwise.

Mr. Lathrop offered the following resolution, which,

On motion of Mr. Harbaugh, was laid upon the table.

Resolved, That the Clerk of this House be directed to inquire, and report to-morrow, the length of time which it will yet take to print the minutes of the committee to investigate the affairs of the two city banks, and whether said printing is doing by any order of this House.

Pursuant to previous notice, Mr. Steele asked and obtained leave to introduce "A bill to provide for the disposition of persons apprehended in the county of Ingham," which was read twice and referred to the committee on the judiciary.

On motion of Mr. Hammond,

The House went into committee of the whole on the "Bill to vacate the seat of justice for the county of Branch, and to re-establish the same," Mr. Lathrop in the chair.

After spending some time thereon, the committee rose and reported the bill back to the House with sundry amendments, which were concurred in.

The bill being under consideration,

Mr. Harbaugh moved to amend the first section by striking out all after the word "on," in the seventh line, to the word

"be," in the eighth line, and inserting in lieu thereof, "on or before the first day of June next," which amendment was adopted.

Mr. McReynolds moved to amend the fourth section by striking out all after the word "after," and inserting in lieu thereof, the words following: "first day of May, 1841," which was lost by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|-----------------|--------------|----|
| Mr. Brown, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Foote, | Mr. Johnson, | Mr. Pierce, | |
| Mr. Forbes, | Mr. Miller, | Mr. Renwick, | |
| Mr. Gregory, | Mr. McReynolds, | Mr. Tucker, | 12 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, | |
| Mr. Axford, | Mr. Fuller, | Mr. Sanborn, | |
| Mr. Backus, | Mr. Hammond, | Mr. Spencer, | |
| Mr. Barbour, | Mr. Kenny, | Mr. Sprague, | |
| Mr. Bush, | Mr. Larue, | Mr. Stockton, | |
| Mr. Button, | Mr. LeBaron, | Mr. Turner, | |
| Mr. Carr, | Mr. Lathrop, | Mr. Underwood, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, | |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, | |
| Mr. Cook, | Mr. Moran, | Mr. Speaker, | |
| Mr. Davis, | | | 31 |

Mr. Brown moved to further amend said bill by striking out all after the enacting clause, which was lost by yeas and nays, as follows:

YEAS.

| | | | |
|-------------|---------------|-----------------|----|
| Mr. Brown, | Mr. Gregory, | Mr. McReynolds, | |
| Mr. Davis, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Foote, | Mr. Johnson, | Mr. Renwick, | |
| Mr. Fuller, | | | 10 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Forbes, | Mr. Pierce, | |
| Mr. Axford, | Mr. Hammond, | Mr. Sanborn, | |
| Mr. Backus, | Mr. Kenny, | Mr. Spencer, | |
| Mr. Barbour, | Mr. Larue, | Mr. Sprague, | |
| Mr. Bush, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Button, | Mr. Lathrop, | Mr. Tucker, | |
| Mr. Carr, | Mr. McClelland, | Mr. Turner, | |
| Mr. Cathcart, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Champlin, | Mr. Miller, | Mr. Walker, | |
| Mr. Cook, | Mr. Moran, | Mr. Williams, | |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Speaker, | 33 |

Mr. McReynolds moved to lay the bill upon the table, which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|-------------|---------------|-----------------|
| Mr. Brown, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Davis, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Foote, | Mr. Johnson, | Mr. Tucker, |
| Mr. Fuller, | | |

10

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Pierce, |
| Mr. Axford, | Mr. Hammond, | Mr. Renwick, |
| Mr. Backus, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Larue, | Mr. Spencer, |
| Mr. Bush, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Button, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Carr, | Mr. McClelland, | Mr. Turner, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Underwood, |
| Mr. Champlin, | Mr. Miller, | Mr. Walker, |
| Mr. Cook, | Mr. Moran, | Mr. Williams, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Speaker, |

33

Mr. McReynolds moved an indefinite postponement of its further consideration; which motion was lost by yeas and nays, as follows:

YEAS.

| | | |
|-------------|---------------|-----------------|
| Mr. Brown, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Davis, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Foote, | Mr. Johnson, | Mr. Tucker, |
| Mr. Fuller, | | |

10

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Pierce, |
| Mr. Axford, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Backus, | Mr. Larue, | Mr. Spencer, |
| Mr. Barbour, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Bush, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Button, | Mr. McClelland, | Mr. Turner, |
| Mr. Carr, | Mr. McDonald, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Miller, | Mr. Walker, |
| Mr. Champlin, | Mr. Moran, | Mr. Williams, |
| Mr. Cook, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Dunham, | Mr. Newton, | |

32

Mr. McReynolds then moved that it be re-committed to the committee on towns and counties, which motion was negatived by yeas and nays, as follows:

YEAS.

| | | |
|-------------|--------------|-----------------|
| Mr. Axford, | Mr. Gregory, | Mr. McReynolds, |
|-------------|--------------|-----------------|

| | | |
|-------------|---------------|--------------|
| Mr. Brown, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Davis, | Mr. Howard, | Mr. Pierce, |
| Mr. Foote, | Mr. Johnson, | Mr. Renwick, |
| Mr. Forbes, | Mr. Miller, | Mr. Tucker, |
| Mr. Fuller, | | |

16

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Sanborn, |
| Mr. Backus, | Mr. Hammond, | Mr. Spencer, |
| Mr. Barbour, | Mr. Kenny, | Mr. Sprague, |
| Mr. Bush, | Mr. Larue, | Mr. Stockton, |
| Mr. Button, | Mr. LeBaron, | Mr. Turner, |
| Mr. Carr, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, |
| Mr. Cook, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Dunham, | | |

28

Mr. Brown moved a call of the House, which motion did not prevail.

The bill was then ordered engrossed for a third reading, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Pierce, |
| Mr. Axford, | Mr. Howard, | Mr. Renwick, |
| Mr. Backus, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Larue, | Mr. Spencer, |
| Mr. Bush, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Button, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Carr, | Mr. McClelland, | Mr. Tucker, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Turner, |
| Mr. Champlin, | Mr. Miller, | Mr. Underwood, |
| Mr. Cook, | Mr. Moran, | Mr. Walker, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Fuller, | Mr. Newton, | Mr. Speaker, |

36

NAYS.

| | | |
|------------|--------------|-----------------|
| Mr. Brown, | Mr. Forbes, | Mr. Harbaugh, |
| Mr. Davis, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Foote, | | |

7

The House excused Mr. Steele from voting on the question.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,

Wednesday, February 19, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit, herewith,

for the concurrence of the House of Representatives, the following bills, which the Senate have severally passed, to wit:

"A bill to provide for issuing executions from circuit courts, on judgments rendered before justices of the peace, in certain cases."

"A bill to provide for laying out a state road from the village of Schoolcraft to the village of Albion."

"A bill to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys."

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to provide for issuing executions from circuit courts, on judgments rendered before justices of the peace in certain cases," was read the first and second times and referred to the committee on the judiciary.

The "Bill to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys," was also read the first and second times and referred to the committee on the judiciary.

The "Bill to provide for laying out a state road from the village of Schoolcraft, in the county of Kalamazoo, to the village of Albion, in the county of Calhoun," was read the first and second times and referred to the committee on roads and bridges.

On motion of Mr. Dunham,

The House took up the joint resolution reported by the judiciary committee on the third instant, relative to the purchase of the River Raisin and lake Erie railroad.

Mr. Underwood moved to commit the same to the committee on internal improvement, pending which,

On motion of Mr. Spencer, the resolution was laid on the table by the following vote:

YEAS.

| | | |
|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McDonald, |
| Mr. Axford, | Mr. Gregory, | Mr. Newton, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Barbour, | Mr. Howard, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |

Mr. Cook,
Mr. Foote,

Mr. Larue,
Mr. Lathrop,

Mr. Stockton,
Mr. Speaker, 24

NAYS.

Mr. Brown,
Mr. Bush,
Mr. Cathcart,
Mr. Davis,
Mr. Dunham,
Mr. Fuller,

Mr. Hammond,
Mr. LeBaron,
Mr. McClelland,
Mr. Miller,
Mr. Mulhollan,
Mr. McReynolds,

Mr. Renwick,
Mr. Tucker,
Mr. Turner,
Mr. Underwood,
Mr. Walker,
Mr. Williams, 18

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, February 20, 1840. }

To the Speaker of the House of Representatives:

SIR—I return, herewith, the “Bill to provide for the laying out and establishing certain state roads, and for other purposes;” and am instructed to inform you, respectfully, that the Senate have passed the bill with amendments, in which they ask the concurrence of the House of Representatives.

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the amendments made by the Senate to the said bill.

Mr. Turner moved that the House take up the “Bill to incorporate the Lake Superior fishing and mining company,” which motion did not prevail.

The Speaker here called Mr. Stockton to the chair.

Mr. Renwick moved to take up the “Bill for the regulation of internal improvements,” which motion prevailed by the following vote:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Barbour,
Mr. Button,
Mr. Carr,
Mr. Cook,
Mr. Foote,
Mr. Fuller,
Mr. Harbaugh,

Mr. Kenny,
Mr. LeBaron,
Mr. Lathrop,
Mr. McDonald,
Mr. Moran,
Mr. McReynolds,
Mr. Newton,
Mr. Pierce,
Mr. Renwick,

Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tucker,
Mr. Walker,
Mr. Speaker,

NAYS.

| | | |
|---------------|--------------|----------------|
| Mr. Brown, | Mr. Hammmnd, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Howard, | Mr. Turner, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Underwood, |
| Mr. Champlin, | Mr. Larue, | Mr. Williams, |
| Mr. Davis, | Mr. Miller, | 14 |

On motion of Mr. Howard, a call of the House was ordered.

On motion of Mr. Hammond, the further proceedings under the call were dispensed with.

On motion of Mr. Lathrop,

The vote, dispensing with further proceedings under the call, was re-considered.

The question recurring upon Mr. Hammond's motion, it was lost by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Barbour, | Mr. Champlin, | Mr. Turner, |
| Mr. Brown, | Mr. Hammond, | Mr. Underwood, |
| Mr. Bush, | Mr. McClelland, | Mr. Williams, |
| Mr. Cathcart, | Mr. Sanborn, | 11 |

NAYS.

| | | |
|---------------|----------------|-----------------|
| Mr. Axford, | Mr. Johnson, | Mr. McReynolds, |
| Mr. Button, | Mr. Kenny, | Mr. Newton, |
| Mr. Carr, | Mr. Larue, | Mr. Pierce, |
| Mr. Cook, | Mr. LeBaron, | Mr. Renwick, |
| Mr. Davis, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Fuller, | Mr. McDonald, | Mr. Sprague, |
| Mr. Gregory, | Mr. Miller, | Mr. Stockton, |
| Mr. Harbaugh, | Mr. Moran, | Mr. Tucker, |
| Mr. Howard, | Mr. Mulhollan, | Mr. Speaker, |
| | | 27 |

A motion was made to adjourn, which was lost by the following vote:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Cathcart, | Mr. Larue, |
| Mr. Barbour, | Mr. Champlin, | Mr. McClelland, |
| Mr. Brown, | Mr. Cook, | Mr. Turner, |
| Mr. Bush, | Mr. Davis, | Mr. Walker, |
| | | 12 |

NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Axford, | Mr. Kenny, | Mr. Renwick, |
| Mr. Button, | Mr. LeBaron, | Mr. Sanborn, |
| Mr. Carr, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Foote, | Mr. McDonald, | Mr. Sprague, |
| Mr. Fuller, | Mr. Miller, | Mr. Stockton, |
| Mr. Gregory, | Mr. Moran, | Mr. Tucker, |

| | | |
|---------------|-----------------|----------------|
| Mr. Hammond, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Harbaugh, | Mr. McReynolds, | Mr. Williams, |
| Mr. Howard, | Mr. Newton, | Mr. Speaker, |
| Mr. Johnson, | Mr. Pierce, | |

29

The Speaker resuming the chair, and the roll being called, there were absent without leave, Messrs. Bird, Coleman, Dunham, Forbes, Ingalls, and Steele.

Mr. Hammond moved to adjourn until half past two o'clock, P. M., which was lost by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Barbour, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Carr, | Mr. Gregory, | Mr. Renwick, |
| Mr. Cathcart, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Cook, | Mr. Kenny, | Mr. Sprague, |
| Mr. Foote, | Mr. Lathrop, | |

17

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Larue, | Mr. Pierce, |
| Mr. Axford, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Backus, | Mr. McClelland, | Mr. Tucker, |
| Mr. Brown, | Mr. McDonald, | Mr. Turner, |
| Mr. Bush, | Mr. Miller, | Mr. Underwood, |
| Mr. Button, | Mr. Moran, | Mr. Walker, |
| Mr. Davis, | Mr. McReynolds, | Mr. Williams, |
| Mr. Howard, | Mr. Newton, | Mr. Speaker, |
| Mr. Johnson, | | |

25

Mr. Brown asked and obtained leave of absence for Mr. Coleman, for an indefinite period.

Mr. Davis for Mr. Ingalls, for one day.

Mr. Underwood for Mr. Bird, for one day.

Mr. Pierce for Mr. Forbes, for one day.

Mr. Turner moved to adjourn until ten o'clock to-morrow morning, which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|-------------|--------------|-------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Miller, |
| Mr. Brown, | Mr. Howard, | Mr. Turner, |
| Mr. Bush, | Mr. Larue, | Mr. Walker, |
| Mr. Davis, | Mr. LeBaron, | |

11

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Axford, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Backus, | Mr. Johnson, | Mr. Renwick, |
| Mr. Barbour, | Mr. Kenny, | Mr. Sanborn, |

| | | |
|---------------|-----------------|----------------|
| Mr. Button, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Carr, | Mr. McClelland, | Mr. Sprague, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Stockton, |
| Mr. Champlin, | Mr. Moran, | Mr. Tucker, |
| Mr. Cook, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Foote, | Mr. McReynolds, | Mr. Williams, |
| Mr. Fuller, | Mr. Newton, | Mr. Speaker, |
| Mr. Gregory, | | |

31

On motion of Mr. Renwick, the further proceedings under the call were dispensed with,

On motion of Mr. Sprague,

The vote of yesterday, rejecting Mr. Pierce's substitute for section twelve, was re-considered. The same being under consideration,

On motion of Mr. Lathrop,

The substitute was amended by striking out of the first paragraph, the words "the work performed and."

The question then recurring upon the adoption of the substitute as amended, pending which,

Mr. Howard moved that the whole subject be laid upon the table, which motion prevailed.

Mr. Harbaugh asked and obtained leave to introduce a "Bill to amend part first of the revised statutes, relative to the election of justices of the peace;" which was read twice, and referred to the committee on the judiciary.

Mr. Underwood, upon leave, presented a petition of sundry inhabitants of Lenawee county, praying a re-payment of taxes, with use; which was referred to the committee on ways and means.

Mr. Stockton called up the resolution offered this morning by Mr. Lathrop, relative to the select committee appointed to investigate the banks; which resolution was by Mr. Lathrop, withdrawn.

Mr. Spencer moved that the House adjourn, which was decided in the affirmative, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|--------------|
| Mr. Axford, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Barbour, | Mr. Howard, | Mr. Pierce, |
| Mr. Brown, | Mr. Kenny, | Mr. Spencer, |

| | | |
|---------------|-----------------|---------------|
| Mr. Button, | Mr. Larue, | Mr. Sprague, |
| Mr. Carr, | Mr. Lathrop, | Mr. Steele, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Stockton, |
| Mr. Cook, | Mr. Miller, | Mr. Turner, |
| Mr. Gregory, | Mr. Moran, | Mr. Williams, |
| Mr. Hammond, | Mr. Mulholland, | Mr. Speaker, |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Renwick, |
| Mr. Backus, | Mr. Fuller, | Mr. Sanborn, |
| Mr. Bush, | Mr. Johnson, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Walker, |

15

Friday, February 21, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent without leave, Messrs. Bird, Fuller and Johnson.

LEAVE OF ABSENCE.

Mr. Kenny asked and obtained leave of absence for Mr. Fuller, for an indefinite period.

Mr. Miller for Mr. Gregory, until Tuesday next.

Mr. Foote for Mr. Johnson, the same.

PETITIONS.

By Mr. Castle. Of sundry inhabitants of Genesee county, five several petitions, praying for the alteration of a law therein named. Referred to the committee on towns and counties.

Also, a petition of sundry citizens of Clinton county, praying for the organization of a township. Same reference.

By Mr. Lathrop. Of William R. Delanca and eighty-six others, inhabitants of the county of Jackson, praying a repeal of the license laws. Referred to the select committee on that subject.

REPORTS:

Mr. LeBaron, pursuant to previous notice, asked and obtained leave to introduce a "Bill to authorize the board of internal improvement to loan a certain amount of railroad iron

to the Palmyra and Jacksonburg railroad company," which was twice read, and referred to the committee on internal improvement.

Mr. McClelland, from the judiciary committee, to whom was referred the following bills from the Senate, viz:

"A bill to provide for issuing executions from circuit courts on judgments rendered before justices of the peace, in certain cases."

Also, a "Bill to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys," reported adverse to the passage of said bills, and asked to be discharged from their further consideration; whereupon the committee was accordingly discharged, and the bills were laid upon the table.

Mr. McClelland, from the same committee, to whom was re-committed the "Bill to extend the right of appeal from the decision of the court of chancery to the supreme court," reported a substitute therefor; which was referred to the committee of the whole, and placed upon the general order.

And, pursuant to previous notice, he asked and obtained leave to introduce a "Bill to amend an act, entitled 'An act to incorporate the city of Monroe;'" which was twice read, and referred to the committee on banks and incorporations.

Also, a "Bill to amend an act, entitled 'An act to abolish imprisonment for debt, and to punish fraudulent debtors, and for other purposes,'" which was read twice and referred to the committee on the judiciary.

Mr. Walker, from the judiciary committee, to whom was referred a "Bill to provide for the disposition of prisoners apprehended within the county of Ingham," reported the same back to the House, with an amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Larue, pursuant to previous notice, asked and obtained leave, to introduce a "Bill to amend chapter four, title three, part first of the revised statutes;" which was read twice, and referred to the committee of the whole.

RESOLUTIONS.

Mr. Backus laid upon the table, the following preamble and joint resolution:

Whereas, it has ever been the wise policy of every well organized government, by some general system, to provide for the discharge of honest debtors on the relinquishment of their property for the benefit of their creditors:

And whereas, by the constitution of the United States, this high and salutary power is vested in the general government, by which that government is authorized to establish an uniform system of laws on the subject of bankruptcies throughout the United States, according to the dictates of moral right and natural justice to the unfortunate bankrupt, without any of the artificial restraints imposed by the paramount rules of the constitution of the several states or the United States:

And whereas, any system of bankruptcy that should be adopted by any of the states of the Union, adequate for the present exigencies of the country, and its citizens, would be obnoxious to constitutional objections of a decisive character, and wholly fail of any salutary effect intended by such system; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That for the best interests of both debtor and creditor, the present exigencies of the entire business relations of the country require the immediate adoption by Congress, of an uniform system of bankruptcy throughout the United States, in pursuance of the power for that purpose vested in them by the constitution.

Resolved, That our Senators and Representative in Congress be, and they are hereby requested to use their best exertions to procure the passage of appropriate laws for that purpose, at the earliest practicable period.

Resolved, That the Governor of this state be requested to forward copies of the foregoing preamble and resolutions to each of our Senators and Representative in Congress.

On motion of Mr. Backus,

Resolved, That the board of internal improvement be direc-

ted, with the least practicable delay, to communicate to this House, if any of the public agents under their control on the Central railroad, or other public works, have recently absconded, or attempted to abscond, having embezzled or misappropriated any of the public moneys; if so, who, and what amount of moneys have been so embezzled or misappropriated.

The House took up for consideration the "Bill to vacate the seat of justice of the county of Branch, and to re-locate the same."

The bill was then read the third time and passed.

The "Bill for the regulation of internal improvement," was then taken up, and the question being upon the adoption of Mr. Pierce's substitute for section twelve,

On motion of Mr. Champlin, the question was ordered to be divided.

The question being to strike out, it prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|--------------|
| Mr. Ashman, | Mr. Foote, | Mr. Renwick, |
| Mr. Axford, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Backus, | Mr. Larue, | Mr. Spencer, |
| Mr. Barbour, | Mr. McDonald, | Mr. Sprague, |
| Mr. Button, | Mr. McReynolds, | Mr. Tucker, |
| Mr. Carr, | Mr. Newton, | Mr. Walker, |
| Mr. Cook, | Mr. Pierce, | |

20

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Brown, | Mr. Harbaugh, | Mr. Moran, |
| Mr. Bush, | Mr. Howard, | Mr. Mulhollan, |
| Mr. Castle, | Mr. LeBaron, | Mr. Steele, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Champlin, | Mr. McClelland, | Mr. Williams, |
| Mr. Dunham, | Mr. Miller, | Mr. Speaker, |
| Mr. Hammond, | | |

19

On motion of Mr. Harbaugh, a call of the House was ordered, and the roll being called, there were absent, without leave, Messrs. Davis and Turner.

Mr. Button asked and obtained leave of absence for Mr. Davis.

Mr. Howard moved that the sergeant-at-arms be directed to bring into the House Mr. Turner; which motion did not prevail.

The question then recurring upon the adoption of Mr. Pierne's substitute,

Mr. Hammond moved to amend the same, by inserting the following after the word "audited," which was not adopted; "and also, for such further amount as may be necessary to pay the expenses of said contractor in traveling to and from the seat of government from the place of such contractor's job."

Mr. LeBaron offered the following amendment to the amendment:

"Sec. 19. The board of commissioners, whenever they deem it necessary or advisable, in the prosecution of any work or works under their direction, may order any sum of money not exceeding five thousand dollars, to be paid out of the internal improvement fund; to the acting commissioner having charge of such work or works, to be expended on the same; and it shall be the duty of such commissioner to take duplicate receipts of all sums of money which he may pay to contractors, or other persons, for, or on account of public works under his charge; and no further advances shall be made to such commissioner, until he shall have presented to the Auditor General, satisfactory vouchers for at least nine-tenths of the amount so advanced, nor then shall any sum be so advanced, which, added to the amount unaccounted for, shall exceed five thousand dollars."

Which amendment was lost, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Brown, | Mr. Dunham, | Mr. McClelland, |
| Mr. Bush, | Mr. Hammond, | Mr. Miller, |
| Mr. Castle, | Mr. Harbaugh, | Mr. Mulholland, |
| Mr. Cathcart, | Mr. Howard, | Mr. Steele, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Williams, |

15

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Larue, | Mr. Sanborn, |
| Mr. Axford, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Backus, | Mr. McDonald, | Mr. Sprague, |
| Mr. Barbour, | Mr. Moran, | Mr. Stockton, |
| Mr. Button, | Mr. McReynolds, | Mr. Tucker, |
| Mr. Carr, | Mr. Newton, | Mr. Underwood, |
| Mr. Cook, | Mr. Pierce, | Mr. Walker, |

Mr. Foote, Mr. Renwick, Mr. Speaker, 25
Mr. Kenney,

The question again recurring upon Mr. Pierce's substitute, it was adopted by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Kenny, | Mr. Renwick, |
| Mr. Axford, | Mr. Larue, | Mr. Sanborn, |
| Mr. Backus, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Barbour, | Mr. McDonald, | Mr. Sprague, |
| Mr. Button, | Mr. Moran, | Mr. Stockton, |
| Mr. Carr, | Mr. McReynolds, | Mr. Tucker, |
| Mr. Cook, | Mr. Newton, | Mr. Underwood, |
| Mr. Dunham, | Mr. Pierce, | Mr. Walker, |
| Mr. Foote, | | |

25

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Brown, | Mr. Hammond, | Mr. Miller, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Mulhollan, |
| Mr. Castle, | Mr. Howard, | Mr. Steele, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Williams, |
| Mr. Champlin, | Mr. McClelland, | Mr. Speaker, |

15

The Speaker called Mr. Harbaugh to the chair, and the said bill being yet under consideration;

Mr. McClelland moved to so amend the first section, so as to allow the principal commissioners five hundred dollars per annum, and the assistant commissioners three hundred dollars per annum, each, which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Bush, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Tucker, |
| Mr. Champlin, | Mr. Moran, | Mr. Walker, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Hammond, | Mr. Steele, | |

14

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Newton, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Barbour, | Mr. Kenny, | Mr. Renwick, |
| Mr. Brown, | Mr. Larue, | Mr. Sanborn, |
| Mr. Button, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Carr, | Mr. McDonald, | Mr. Sprague, |
| Mr. Castle, | Mr. Miller, | Mr. Underwood, |
| Mr. Cook, | Mr. McReynolds, | Mr. Speaker, |

24

The Speaker then resumed the chair.

Mr. Bush moved to amend the first section, by adding the following thereto; which was not adopted:

"To be audited and allowed by the Auditor General, the amount of time spent, first being certified to be correct, by the principal commissioner."

Mr. Stockton, moved to amend the first section, by adding the following, after the word "members," in the third line.

"To be selected as follows: one from the southern tier of counties; one from the centre tier of counties, and one north of the base line."

Mr. Backus moved to amend the amendment, by adding thereto, "if the legislature shall think fit;" which was lost by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|--------------|-----------------|----|
| Mr. Backus, | Mr. Cook, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Kenny, | Mr. Newton, | |
| Mr. Brown, | Mr. Larue, | Mr. Pierce, | |
| Mr. Carr, | Mr. Lathrop, | Mr. Spencer, | |
| Mr. Castle, | Mr. Miller, | Mr. Tucker, | 15 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Sanborn, | |
| Mr. Bush, | Mr. Howard, | Mr. Sprague, | |
| Mr. Button, | Mr. LeBaron, | Mr. Steele, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Stockton, | |
| Mr. Champlin, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Dunham, | Mr. Moran, | Mr. Walker, | |
| Mr. Foote, | Mr. Mulhollan, | Mr. Williams, | |
| Mr. Hammond, | Mr. Renwick, | Mr. Speaker, | 24 |

Mr. Larue moved to amend Mr. Stockton's amendment, after the words, "centre tier of counties," by inserting "west of the meridian;" which was accepted by Mr. Stockton, and his amendment, as amended, was then adopted by yeas and nays, as follows:

YEAS.

| | | |
|-------------|--------------|----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Axford, | Mr. Foote, | Mr. Newton, |
| Mr. Backus, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Brown, | Mr. Howard, | Mr. Steele, |
| Mr. Bush, | Mr. Larue, | Mr. Stockton, |

| | | |
|---------------|-----------------|----------------|
| Mr. Botton, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Castle, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Miller, | Mr. Walker, |
| Mr. Champlin, | Mr. Moran, | Mr. Williams, |
| Mr. Cook, | | |

28

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Barbour, | Mr. LeBaron, | Mr. Renwick, |
| Mr. Carr, | Mr. McDonald, | Mr. Spencer, |
| Mr. Harbaugh, | Mr. McReynolds, | Mr. Sprague, |
| Mr. Kenny, | Mr. Pierce, | Mr. Speaker, |

12

Mr. Steele moved to amend the fourth section, by inserting after the word "board," in the third line, the following, which was not adopted: "which shall not exceed five hundred dollars per annum."

Mr. McReynolds moved to amend said section by inserting "eight hundred dollars," which was lost, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Cook, | Mr. McReynolds, |
| Mr. Backus, | Mr. Kenny, | Mr. Spencer, |
| Mr. Barbour, | Mr. Larue, | Mr. Sprague, |
| Mr. Brown, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Bush, | Mr. Lathrop, | Mr. Williams, |
| Mr. Carr, | Mr. Moran, | Mr. Speaker, |

18

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Botton, | Mr. Howard, | Mr. Renwick, |
| Mr. Castle, | Mr. McClelland, | Mr. Sanborn, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Steele, |
| Mr. Champlin, | Mr. Miller, | Mr. Tucker, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Forbes, | Mr. Newton, | Mr. Walker, |
| Mr. Hammond, | | |

22

Mr. Renwick moved to amend said section by inserting "six hundred dollars."

Mr. McReynolds moved to amend the amendment by insert—"seven hundred dollars," which did not prevail.

The question recurring upon Mr. Renwick's amendment, it was adopted.

Mr. Renwick moved to amend section thirteen, by striking out all of said section to the word "and," in the fourth line.

Also, by striking out all after the seventh line of said section, which amendments were adopted.

On motion of Mr. Button,

The first section was amended in the sixth line, by striking out the word "twelve," and inserting in lieu thereof, the word "ten," by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|---------------|
| Mr. Axford, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Bush, | Mr. McClelland, | Mr. Steele, |
| Mr. Button, | Mr. McDonald, | Mr. Stockton, |
| Mr. Castle, | Mr. Moran, | Mr. Tacker, |
| Mr. Dunham, | Mr. Mulbolland, | Mr. Walker, |
| Mr. Foote, | Mr. Pierce, | Mr. Williams, |
| Mr. Hammond, | Mr. Renwick, | Mr. Speaker, |

21

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Cook, | Mr. Miller, |
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Howard, | Mr. Newton, |
| Mr. Brown, | Mr. Larue, | Mr. Spencer, |
| Mr. Carr, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Underwood, |

18

Mr. Button moved further to amend said section by striking out the word "three," in the third line, and inserting in lieu thereof, the word "two," which did not prevail.

On motion of Mr. Renwick,

The eighteenth section was amended by inserting after the words "except the," the word "principal."

Mr. LeBaron moved to further amend said section in the same line, after the word "commissioner," by adding "and contractors," which did not prevail.

Mr. Howard moved to commit the bill to the committee on the judiciary, which motion was lost.

The bill was then ordered engrossed for a third reading.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office

of the Secretary of State, an act entitled "An act to incorporate the Marshall cemetery company."

WILLIAM WOODBRIDGE.

Executive Office, February 19, 1840.

Mr. Hammond, upon leave, presented the petition of sundry inhabitants of Hillsdale, Hillsdale county, praying for the continuance of the county seat of said county at the village of Hillsdale, together with several affidavits relative thereto, which was referred to the committee on towns and counties.

On motion of Mr. McClelland,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of increasing the powers of the chancellor relative to the granting of guardians of minors the privilege of selling real estate.

Mr. McReynolds offered the following:

Resolved, That when this House adjourn, it adjourn to meet on Monday morning next at nine o'clock.

Mr. Hammond offered the following as a substitute, which was accepted by Mr. McReynolds:

Resolved, That when this House adjourn it adjourn to meet at ten o'clock, A. M., and that from and after that day, this House will hold an afternoon session, to commence at half past two o'clock.

On motion of Mr. Backus, a division of the question was ordered.

And the question being upon the adjournment, it prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Howard, | Mr. McReynolds, |
| Mr. Arford, | Mr. Kenny, | Mr. Spencer, |
| Mr. Brown, | Mr. Larue, | Mr. Stockton, |
| Mr. Button, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Castle, | Mr. McClelland, | Mr. Walker, |
| Mr. Dunham, | Mr. McDonald, | Mr. Williams, |
| Mr. Foote, | Mr. Moran, | Mr. Speaker, |
| Mr. Hammond, | Mr. Mulholland, | |

23

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Backus, | Mr. Cook, | Mr. Renwick, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Sanborn, |

| | | |
|---------------|--------------|----------------|
| Mr. Bush, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Carr, | Mr. Miller, | Mr. Steele, |
| Mr. Cathcart, | Mr. Newton, | Mr. Underwood, |
| Mr. Champlin, | Mr. Pierce, | 17 |

The question then being upon holding two sessions each day, it prevailed.

On motion of Mr. McClelland,

Resolved, That the committee on the judiciary be instructed to report back the Senate resolution, in regard to the adjournment of the Legislature forthwith.

Mr. Howard moved to adjourn which did not prevail.

Mr. McReynolds offered the following, which was adopted:

Resolved, That the House now go into committee of the whole on bill number thirty-two, "to establish the compensation of members and officers of the Legislature."

The Speaker announced a communication from John Heath, which was referred to the committee on claims.

Mr. Backus moved that the House go into committee of the whole on bill number fifty-five, pending which motion,

Mr. Tucker moved that the House adjourn, which motion prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Howard, | Mr. Spencer, |
| Mr. Axford, | Mr. Larue, | Mr. Sprague, |
| Mr. Brown, | Mr. McClelland, | Mr. Steele, |
| Mr. Button, | Mr. McDonald, | Mr. Stockton, |
| Mr. Carr, | Mr. Moran, | Mr. Tucker, |
| Mr. Castle, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Cathcart, | Mr. Newton, | Mr. Williams, |
| Mr. Hammond, | Mr. Renwick, | 23 |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Backus, | Mr. Foote, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bush, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Dunham, | Mr. Miller, | 17 |

Monday, February 24, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, there were absent without leave, Messrs. Brown, Larue, and LeBaron.

PETITIONS.

By Mr. Renwick. Of sundry inhabitants of the county of Livingston, asking for a repeal of the law creating the office of county commissioner. Referred to the committee on the judiciary.

By Mr. Underwood. Of sundry citizens of Lenawee county, praying for a modification of the laws concerning road and school taxes. Referred to the committee on ways and means.

Also, the petition of the members of the first Presbyterian society in Adrian, asking for a change of the name of said society. Referred to the committee on banks and incorporations.

By Mr. Castle. Of Daniel Ball and others, praying compensation for damages sustained on the Northern railroad. Referred to the committee on claims.

By Mr. Miller. Of sundry inhabitants of Kalamazoo county, praying for a reduction of the price of seminary and school lands. Referred to the committee on university and school lands.

By Mr. Lathrop. Two several petitions of sundry inhabitants of Jackson county, praying for the repeal of the law creating the office of county commissioners. Referred to the committee on the judiciary.

REPORTS.

Mr. Backus, from the judiciary committee, to whom was referred a "Bill to amend chapter four, title three, part first of the revised statutes," reported the same back to the House without amendment, which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus from the judiciary committee, to whom was referred a "Bill to amend the act entitled 'An act to abolish imprisonment for debt, and to punish fraudulent debtors,' and for other purposes," reported the same back to the House without

amendment, which was referred to the committee of the whole and placed upon the general order.

Mr. McClelland, from the judiciary committee, in pursuance of a resolution instructing them to inquire into the propriety of increasing the powers of the chancellor, relative to the granting to guardians of minors the privileges of selling real estate, reported a "Bill to authorize the conveyance of the real estate of minors in certain cases," which was read the first and second times, and referred to the committee of the whole, and placed upon the general order.

Mr. Ashman, from the select committee, to whom was referred the special message of the Executive, relative to the communications of the Auditor General and State Treasurer, submitted a report, accompanied by a bill entitled a "Bill relative to the Auditor General and State Treasurer, and the offices of both," which was referred to the committee of the whole, placed upon the general order, and the report was ordered to lie upon the table.

Mr. Renwick, from the select committee to whom was referred a "Bill to regulate the salary of Governor, and for other purposes," reported the same back to the House without amendment, which was referred to the committee of the whole, and placed upon the general order, and,

On motion of Mr. McClelland, the report was laid upon the table and ordered printed.

(See *House Document No. 41*.)

Mr. Renwick, from the committee on ways and means, to whom was referred Senate bill number sixteen, entitled a "Bill relative to additional assessment of highway taxes," reported the same back to the House without an amendment, and recommended its passage. The bill was referred to the committee of the whole, and placed upon the general order, and the report was ordered to lie upon the table.

Mr. Renwick, from the same committee, to whom was referred the petition of Henry Connor, reported adverse to the prayer of the same, and asked that the petitioner have leave to withdraw his said petition.

The Chair announced a communication from the president of the board of internal improvement, in reply to a resolution passed on the 21st inst., requiring information respecting the absconding of public agents on the Central railroad,

Which was, on motion, ordered to lie upon the table and be printed.

(See House Document No. 42.)

Also, a special message from the Executive, with accompanying documents; which,

On motion of Mr. Renwick, were laid upon the table and ordered printed.

(See House Document No. 43.)

Also, a special message from the Executive, urging the propriety of appointing a joint committee to confer with the Auditor General and State Treasurer, relative to the balance of the \$5,000,000 loan, due from the Morris canal bank; which was laid upon the table.

Also, the following message from the Senate, by their Secretary, D. W. Kellogg, Esq.:

SENATE CHAMBER,
Friday, February 21, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, a “Bill to prescribe the powers and duties of justices of the peace, in civil proceedings;” and a “Bill relative to the application of highway taxes, &c., and the commutation price for a day’s labor upon the highways,” both of which the Senate have passed, and respectfully ask the concurrence of the House in the same.

Also, I return herewith, the “Bill restricting the powers of sheriffs, and for other purposes,” and am instructed by the Senate to respectfully inform you that they have passed the same with amendments, and request the concurrence therein of the House of Representatives.

D. W. KELLOGG,

Secretary of the Senate.

And the “Bill to prescribe the powers and duties of justices of the peace, in civil proceedings,” was read the first and second times, and referred to the committee on the judiciary.

The "Bill relative to the application of highway taxes," was also read the first and second times, and referred to the committee on the judiciary.

And the House concurred in the amendments made by the Senate to the "Bill restricting the powers of sheriffs, and for other purposes."

RESOLUTIONS AND NOTICES.

Mr. Pierce laid upon the table the following joint resolution:

Resolved, (the Senate concurring,) That this Legislature will adjourn on the fourteenth day of March next, *sine die*.

Mr. Cathcart laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives, That this Legislature will adjourn on Tuesday, the tenth day of March next.

On motion of Mr. McReynolds,

Resolved, That the committee on the judiciary be requested to inquire whether the law of this state, providing for the election of electors of President and Vice President of the United States, meets the requirements of the constitution of the United States in such case, and report by bill or otherwise.

Mr. Hammond gave notice, that on some future day, he would ask leave to introduce a bill to fix the day for the organization of the board of county commissioners in each year.

Also, that at some future day, he would ask leave to introduce a bill changing the manner of selecting grand jurors.

Mr. Champlin gave notice, that at some future day, he would ask leave to bring in a bill to incorporate a company to construct a railroad from Jonesville, to intersect the state road at the depot, in Hillsdale county.

Mr. Renwick gave notice, that at some future day, he would ask leave to bring in a "Bill to repeal 'An act to regulate internal improvement and establish a board of commissioners, and for other purposes,'" approved April 20, 1839.

On motion of Mr. Hammond,

The vote to lay upon the table the special message of the

Executive, relative to the proposition of the Morris canal and banking company, was reconsidered.

The question then recurring upon laying the same upon the table, it was lost.

Mr. Hammond offered the following joint resolution:

Resolved, (if the Senate concur,) That a select committee of three from the House and two from the Senate be appointed, to whom shall be referred the special message of the Governor of this day, in reference to the Morris canal and banking company, and that said committee report without delay; and on his motion, the rule was suspended, and the resolution passed.

The Chair announced as said committee, on the part of the House, Messrs. Hammond, Renwick and Underwood.

On motion of Mr. McClelland,

The committee of the whole were discharged from the consideration of the "Bill to prescribe the powers and duties of justices of the peace, in civil proceedings," and, on his motion, the bill was re-committed to the committee on the judiciary.

On motion of Mr. Stockton,

The House took up the "Bill to incorporate the Macomb and Saginaw railroad company, and for other purposes," and on his motion, the same was referred to the committee of the whole.

The Speaker called Mr. McClelland to the chair.

The House then took up the "Bill for the regulation of internal improvement, for a third reading, and

On motion of Mr. Stockton, the bill was referred to a select committee of seven members.

The Chair announced as such committee, Messrs. Stockton, Underwood, Hammond, Davis, Bell, Carr and Larue.

On motion of Mr. Harbaugh,

The House went into committee of the whole, on the Senate bill "containing certain provisions concerning the city of Detroit," Mr. Champlin in the chair.

After spending some time thereon, the committee rose, and

reported the same back to the House with sundry amendments; which,

On motion of Mr. Harbaugh, were concurred in by the House.

The bill being under consideration, Mr. McReynolds offered the following substitute for section thirteen, which was adopted:

"Sec. 13. The assessors to be chosen as at present provided in the city charter, and when so elected, it shall be competent for them to appoint two or more of their number, to assess all the property within the corporate limits of the city. When such assessment is completed, it shall be the duty of the whole board to meet and review and correct the same, and if any assessor shall remove from the city, such removal shall be considered a vacancy, and in that case, or if a vacancy otherwise happens, such vacancy may be filled by the common council. The assessors so elected, shall perform the same duties, take the same oath, and be subject to the same liabilities as is required of assessors under the present law, as near as may be, except that they shall be assessors of the whole city in manner as hereinafter provided, and not of a particular ward."

The bill was then ordered engrossed for a third reading.

On motion of Mr. Harbaugh,

The rule was suspended, and the bill read a third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Cook, | Mr. Moran, |
| Mr. Axford, | Mr. Davis, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Dunham, | Mr. McReynolds, |
| Mr. Bell, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bird, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Button, | Mr. Howard, | Mr. Underwood, |
| Mr. Carr, | Mr. Ingalls, | Mr. Walker, |
| Mr. Castle, | Mr. McClelland, | Mr. Williams, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Speaker, |
| Mr. Champlin, | Mr. Miller, | |

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NAYS.

0

On motion of Mr. Hammond, the House adjourned until half past 2 o'clock, P. M.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, the same members were present as in the forenoon.

On motion of Mr. McClelland,

The committee of the whole were discharged from the further consideration of the "Bill relative to costs of prosecution in criminal cases;" and on his motion, the same was taken up for consideration.

On motion of Mr. Harbaugh,

The first section of the bill was amended by adding the following:

"Unless the court or magistrate shall otherwise direct," to come in at the end of said section.

The bill was then ordered to be engrossed for the third reading.

On motion of Mr. McClelland,

The rule was suspended, requiring the third reading of bills to be on a subsequent day from that in which they pass the committee of the whole, and the bill was read the third time and passed.

On motion of Mr. Backus,

The committee of the whole were discharged from further considering the "Bill to amend part three, title four, and chapter nine of the revised statutes, of the lien of mechanics and others;" and on his motion, the same was taken up for consideration.

On motion of Mr. Hammond,

The first section was amended by inserting after the word "land," in the sixth line, the words, "not exceeding one quarter of a section."

Mr. Harbaugh moved the following amendments to the first section of said bill:

In the fourth line, after the word "the," insert the words, "lessee or;" in the fifth line, after the word "land," insert "so owned and leased;" and in the sixth line, after the word "land,"

insert "or the interest of the lessee therein, as the case may be;" which several amendments were adopted.

On motion of Mr. Hammond,

The second section of said bill was amended by inserting in the seventh line, after the word "land," the words following: "or the interest of the contracting lessee therein."

The said bill was then ordered engrossed for a third reading.

On motion of Mr. Bush,

The committee of the whole was discharged from the further consideration of the "Bill to provide for the disposition of prisoners apprehended in the county of Livingston," and on his motion, the same was taken up for consideration.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Underwood,

The committee of the whole was discharged from the consideration of bill number thirty-eight "for the relief of the first Presbyterian church and society of the village of Adrian;" and on his motion, the House took up the same for consideration.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Castle,

The House went into committee of the whole, on bill number forty, "to provide for the collection of unpaid highway taxes, and to equalize the same, and for other purposes," Mr. Walker in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House, with sundry amendments, and asked the concurrence of the House therein.

The question being upon the adoption of the first amendment, it prevailed by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bush, | Mr. Howard, | Mr. Stockton, |
| Mr. Castle, | Mr. Lathrop, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champin, | Mr. McDonald, | Mr. Walker, |
| Mr. Davis, | Mr. Moran, | Mr. Williams, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Forbes, | Mr. Newton, | |

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Ashman, | Mr. Carr, | Mr. McReynolds, |
| Mr. Axford, | Mr. Cook, | Mr. Pierce, |
| Mr. Backus, | Mr. Foote, | Mr. Spencer, |
| Mr. Barbour, | Mr. Miller, | Mr. Sprague, |
| Mr. Button, | | |

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And the House refused to concur in the second amendment, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Lathrop, | Mr. Pierce, |
| Mr. Backus, | Mr. McDonald, | Mr. Sanborn, |
| Mr. Bird, | Mr. Miller, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Sprague, |
| Mr. Cook, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Forbes, | Mr. Newton, | Mr. Williams, |
| Mr. Howard, | | |

19

NAYS.

| | | |
|--------------|-----------------|---------------|
| Mr. Axford, | Mr. Champlin, | Mr. Moran, |
| Mr. Barbour, | Mr. Davis, | Mr. Renwick, |
| Mr. Bell, | Mr. Dunham, | Mr. Stockton, |
| Mr. Bush, | Mr. Foote, | Mr. Turner, |
| Mr. Button, | Mr. Hammond, | Mr. Walker, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Speaker, |
| Mr. Castle, | Mr. McClelland, | |

20

Mr. Lathrop moved to amend said bill by striking out the first section of the same, which motion was lost by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Axford, | Mr. Gregory, | Mr. Spencer, |
| Mr. Button, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Carr, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Walker, |
| Mr. Cook, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | Mr. Mulhollan, | |

20

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Backus, | Mr. Davis, | Mr. Pierce, |
| Mr. Barbour, | Mr. Dunham, | Mr. Renwick, |
| Mr. Bell, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Stockton, |
| Mr. Bush, | Mr. Howard, | Mr. Turner, |
| Mr. Castle, | Mr. Moran, | Mr. Williams, |
| Mr. Champlin, | Mr. Newton, | |

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The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Monday, February 24, 1840. }

To the Speaker of the House of Representatives:

SIR—I herewith respectfully transmit for the concurrence of the House of Representatives, a bill which the Senate have passed, entitled a “Bill for the relief of certain school districts in the township of Parma, Jackson county.”

D. W. KELLOGG,
Secretary of the Senate.

And the said bill was read the first and second times and referred to the committee on education.

Mr. McClelland moved that the House adjourn, which prevailed by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Axford, | Mr. Cook, | Mr. Spencer, |
| Mr. Barbour, | Mr. Gregory, | Mr. Sprague, |
| Mr. Bird, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bush, | Mr. McClelland, | Mr. Turner, |
| Mr. Button, | Mr. McDonald, | Mr. Underwood, |
| Mr. Carr, | Mr. Miller, | Mr. Walker, |
| Mr. Castle, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Cathcart, | Mr. Newton, | Mr. Speaker, 24 |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McReynolds, |
| Mr. Backus, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Champlin, | Mr. Howard, | Mr. Sanborn, |
| Mr. Dunham, | Mr. Lathrop, | 14 |

Tuesday, February 25, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, there was absent without leave, Mr. Steele.

PETITIONS.

By Mr. Sanborn. Of sundry inhabitants of the county of Lapeer, praying for the abolishment of the law creating coun-

ty commissioners and instituting in lieu thereof a board of supervisors. Referred to the committee on the judiciary.

By Mr. Newton. Of Justus Gage, praying for an act to legalize his acts as justice of the peace. Referred to the committee on the judiciary.

By Mr. Spencer. Of sundry citizens of the township of York, Washtenaw county, praying that the commissioners of highways of the several townships may be empowered to discontinue such roads as were established by the legislative council of Michigan, and have become useless. Referred to the committee on roads and bridges.

By Mr. Lathrop. Of two hundred and twenty inhabitants of Jackson county, on the subject of extending the right of trial by jury to all persons within this state. Referred to the committee on the judiciary.

By Mr. Speaker. Of Elisha Cook and others, of Jackson county, for the abolishment of the county commissioner system. Referred to the committee on the judiciary.

REPORTS.

Mr. Backus, from the judiciary committee, to whom was referred numerous petitions on the subject of abolishing the board of county commissioners, and re-establishing the board of supervisors, reported adverse to the prayer of the petitioners; which report was ordered to lie upon the table and be printed.

(*See House Document No. 44.*)

The committee were discharged from the further consideration of the subject.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the "Bill to amend an act entitled 'An act to incorporate the city of Monroe,'" reported the same back to the House without amendment, and the same was referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the judiciary committee, to whom was referred a "Bill to amend section six, chapter first, title four, part first of the revised statutes, relative to the election of justices of the peace," reported the same back to the House with

amendments, which were referred to the committee of the whole and placed upon the general order.

Mr. McClelland, from the judiciary committee, to whom was referred the Senate bill "to prescribe the powers and duties of justices of the peace in civil proceedings," reported the same back to the House; and reported further, that the House bill on the same subject, contains certain provisions which are not contained in the Senate bill, therefore they recommend the passage of the House bill; and on motion, the Senate bill was laid upon the table, and the House bill referred to the committee of the whole, and placed upon the general order.

Mr. Hammond, from the judiciary committee, to whom was referred Senate bill "to provide for the application of highway taxes, and for other purposes," reported the same back to the House, and asked its reference to the committee on ways and means; and the said bill was so referred.

Mr. McClelland, from the judiciary committee, to whom was referred the petition of Lambert Cauchois, reported a bill entitled a "Bill to authorize the guardian of Ursula and Dorothy Cauchois to convey certain real estate, which was read the first and second times, referred to the committee of the whole, and placed upon the general order.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Hammond, the committee of the whole was discharged from the further consideration of Senate bill number sixteen, and the same was referred to the committee on ways and means.

Mr. Axford offered the following preamble and resolution, which, on his motion, was laid upon the table:

Whereas, there was an act passed by the legislature of this state, on the 22d day of March, A. D. 1838, appropriating the sum of twelve thousand dollars annually, for three years from that date, for the purpose of making a geological survey of this state;

Resolved, That the committee on ways and means be instructed to inquire into the expediency of amending the said act so as to retain so much of the said appropriation in the trea-

sure of the state, as the said committee shall judge is for the best interest of our state.

On motion of Mr. Button,

Resolved, That the committee on internal improvement be requested to report to this House, with as little delay as possible, their opinion in regard to the prosecution of our works of internal improvement; whether we prosecute all or a part; if we prosecute a part, which part, and to what an extent, and the amount of appropriation, as near as may be, that will be necessary in order to prosecute such work for the year 1840.

On motion of Mr. Newton,

Resolved, That the committee on education be instructed to inquire and ascertain from the Superintendent of Public Instruction, or from any other source, the cause why the act for the support of primary schools, as amended and required to be published in pamphlet form, and distributed by the Superintendent of Public Instruction to the inspectors of primary schools, and to the officers of each school district in this state, has not been performed, and why whole counties have not been furnished as the resolution of the legislature of this state required, and whether the number required by law to be published, has been so published, and report to this House as soon as the information sought can be obtained.

On motion of Mr. Renwick,

The House took up for consideration the joint resolution reported by the judiciary committee, in relation to the purchase of the River Raisin and Lake Erie railroad.

Mr. Harbaugh moved to amend the resolution by striking out the words "and required," which was adopted.

The Speaker called Mr. Harbaugh to the chair.

On motion of Mr. Spencer,

The resolution was further amended by inserting after the word "authorized," the words following: "if in his opinion justice requires it."

Mr. Speaker moved to amend said resolution by adding the following:

"*Provided*, That all of the evidences of debt issued by this company, in pursuance of this charter, shall all be redeemed

and canceled before the said Auditor General shall draw his warrant for the amount so found to be due to said company."

Mr. Gregory offered the following as a substitute, which was accepted by Mr. Speaker:

"*Provided*, That said company shall receive in payment from the Treasurer, such bills or evidences of debt as they may have issued under their charter, and which may now be in, or hereafter may come into the hands of said Treasurer in payment of any sum due the said company."

Mr. Howard moved that the resolution be referred back to the committee on the judiciary, with instructions to bring in a bill to provide for the settlement of the matter between the state and the River Raisin railroad company, by the appointment of a board of appraisers for that purpose.

Which motion was lost by yeas and nays, as follows:

YEAS.

| | | | |
|-------------|-----------------|--------------|---|
| Mr. Davis, | Mr. Lathrop. | Mr. Speaker, | |
| Mr. Howard, | Mr. McReynolds, | | 5 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, | |
| Mr. Backus, | Mr. Foote, | Mr. Newton, | |
| Mr. Barbour, | Mr. Forbes, | Mr. Pierce, | |
| Mr. Bell, | Mr. Gregory, | Mr. Renwick, | |
| Mr. Bird, | Mr. Hammond, | Mr. Sanborn, | |
| Mr. Brown, | Mr. Harbaugh, | Mr. Spencer, | |
| Mr. Bush, | Mr. Ingalls, | Mr. Sprague, | |
| Mr. Button, | Mr. Kenny, | Mr. Tucker, | |
| Mr. Carr, | Mr. Larue, | Mr. Turner, | |
| Mr. Castle, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Cathcart, | Mr. McDonald, | Mr. Walker, | |
| Mr. Champlin, | Mr. Miller, | Mr. Williams, | |
| Mr. Cook, | Mr. Moran, | | 38 |

The question recurring upon the amendment of Mr. Gregory,

Mr. Tucker moved to amend the same by striking out "or hereafter may come into," and insert in lieu thereof, the words "be in," which motion was lost by yeas and nays as follows:

YEAS.

| | | |
|-------------|-----------------|---------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Backus, | Mr. Kenny, | Mr. Sprague, |
| Mr. Bell, | Mr. McClelland, | Mr. Stockton, |
| Mr. Bird, | Mr. McDonald, | Mr. Tucker, |

| | | | |
|--------------|-----------------|---------------|----|
| Mr. Brown, | Mr. Mulhollan, | Mr. Turner, | |
| Mr. Bush, | Mr. McReynolds, | Mr. Walker, | |
| Mr. Dunham, | Mr. Pierce, | Mr. Williams, | |
| Mr. Hammond, | | | 22 |

NAYS.

| | | | |
|---------------|--------------|----------------|----|
| Mr. Barbour, | Mr. Foote, | Mr. Miller, | |
| Mr. Button, | Mr. Forbes, | Mr. Moran, | |
| Mr. Carr, | Mr. Gregory, | Mr. Newton, | |
| Mr. Castle, | Mr. Howard, | Mr. Sanborn, | |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Spencer, | |
| Mr. Champlin, | Mr. Larue, | Mr. Underwood, | |
| Mr. Cook, | Mr. Lathrop, | Mr. Speaker, | |
| Mr. Davis, | | | 22 |

Mr. Castle moved to amend said amendment, by inserting after the word "treasurer," the words following: "at par;" which did not prevail.

After much debate, Mr. McClelland offered the following as a substitute for Mr. Gregory's proviso:

"Provided however, that if there be then in the treasury of the state, any of the evidence of debt issued by said company, the Auditor General shall draw his warrant for merely the balance due said company, after deducting the amount of said evidence of debt;" which was adopted by the following vote:

YEAS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Ashman, | Mr. Foote, | Mr. Mulhollan, | |
| Mr. Backus, | Mr. Forbes, | Mr. McReynolds, | |
| Mr. Bell, | Mr. Gregory, | Mr. Newton, | |
| Mr. Bird, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Brown, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Bush, | Mr. Howard, | Mr. Spencer, | |
| Mr. Button, | Mr. Ingalls, | Mr. Sprague, | |
| Mr. Carr, | Mr. Kenny, | Mr. Stockton, | |
| Mr. Castle, | Mr. Lathrop, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Turner, | |
| Mr. Champlin, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Cook, | Mr. Miller, | Mr. Walker, | |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, | 39 |

NAYS.

| | | | |
|--------------|--------------|--------------|---|
| Mr. Barbour, | Mr. Larue, | Mr. Speaker, | |
| Mr. Davis, | Mr. Sanborn, | | 5 |

Mr. Barbour moved to lay the resolution on the table; which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|--------------|
| Mr. Barbour, | Mr. Howard, | Mr. Lathrop, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Cook, | Mr. Larue, | Mr. Speaker, |
| Mr. Davis, | | |

10

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Pierce, |
| Mr. Backus, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Bird, | Mr. McClelland, | Mr. Sprague, |
| Mr. Brown, | Mr. McDonald, | Mr. Stockton, |
| Mr. Button, | Mr. Miller, | Mr. Tucker, |
| Mr. Carr, | Mr. Moran, | Mr. Turner, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Champlin, | Mr. McReynolds, | Mr. Walker, |
| Mr. Dunham, | Mr. Newton, | Mr. Williams, |
| Mr. Forbes, | | |

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The question recurring upon the passage of the resolution as amended, the same was concurred in by the House, and the resolution passed by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bell, | Mr. Gregory, | Mr. Renwick, |
| Mr. Bird, | Mr. Hammond, | Mr. Spencer, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Bush, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Button, | Mr. Kenny, | Mr. Tucker, |
| Mr. Carr, | Mr. McClelland, | Mr. Turner, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Underwood, |
| Mr. Champlin, | Mr. Miller, | Mr. Walker, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Foote, | Mr. Newton, | |

32

NAYS.

| | | |
|--------------|--------------|-----------------|
| Mr. Barbour, | Mr. Howard, | Mr. McReynolds, |
| Mr. Castle, | Mr. Larue, | Mr. Sanborn, |
| Mr. Cook, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Davis, | Mr. Moran, | |

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The Chair announced the following message from the Executive:

To the House of Representatives :

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act for the relief of the township of Lebanon, Clinton county, and the township of Richfield, Lapeer county."

WILLIAM WOODBRIDGE.

Executive Office, February 25, 1840.

Also, the following message from the Senate by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Monday, February 25, 1840. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit herewith, “A bill to incorporate the Port Sheldon land company;”

Also, a “Bill to extend the powers of county commissioners in certain cases, and to regulate appeals from their decisions;” both of which the Senate have passed, and respectfully ask the concurrence of the House.

D. W. KELLOGG,

Secretary of the Senate.

And the “Bill to incorporate the Port Sheldon land company,” was read the first and second times, and referred to the committee on banks and incorporations.

The “Bill to extend the powers of county commissioners in certain cases, and to regulate appeals from their decisions,” was also read the first and second times, and referred to the committee on the judiciary.

Mr. Larue, from the select committee appointed to investigate the affairs of the Bank of Michigan, and the Farmers’ and Mechanics bank, submitted a report, which,

On motion of Mr. Harbaugh, was laid upon the table.

On motion, the House adjourned until half past two o’clock.

Afternoon Session.

The House met at half past two o’clock, pursuant to adjournment.

The roll being called, there were absent without leave, Messrs. Axford, Davis, Dunham, Kenny, Larue, Lathrop, McClelland, Moran, Mulhollan, Pierce, Sanborn, Steele and Stockton.

The morning business not having been gone through with,

Mr. Howard gave notice that he would, at some future day, ask leave to introduce a bill to define the boundaries of the township of Dearborn.

Mr. Backus gave notice, that at some future day, he should

ask leave to bring in a bill to define the boundaries of the township of Springwells.

Mr. Ingalls gave notice that he should, on to-morrow, move a re-consideration of the vote, adopting the "Joint resolution relative to the purchase of the River Raisin and Lake Erie railroad."

On motion of Mr. Barbour,

The House took up for consideration Mr. Hammond's "Joint resolution relative to a settlement with Joel Clemens, a contractor on the Central railroad."

On motion of Mr. Harbaugh,

A call of the House was ordered, when it appeared that Messrs. Axford, Bell, Bird, Davis, Dunham, Kenny, Larue, LeBaron, McClelland, Moran, Sanborn and Steele were absent without leave.

Mr. Foote asked and obtained leave of absence for Mr. Steele, and Mr. Pierce for Mr. Axford.

Mr. Foote moved that the sergeant-at-arms be directed to bring into the House the absentees.

Mr. McReynolds moved that Mr. Foote's motion lie upon the table, which motion did not prevail.

The question recurring upon Mr. Foote's motion, it was adopted.

Upon the motion of Mr. Turner, the vote was re-considered, and,

On motion of Mr. Brown,

The further proceedings under the call were dispensed with.

The resolution of Mr. Hammond being yet under consideration,

Mr. Howard offered the following amendment:

"*Provided*, That all claims for work done, shall be predicated upon the certificate of the principal engineer;" pending which,

Mr. Ingalls moved that the resolution lie upon the table; which was negatived by yeas and nays, as follows:

YEAS.

Mr. Bird,

Mr. Ingalls,

Mr. Sanborn,

Mr. Carr,
Mr. Castle,
Mr. Davis,
Mr. Foote,
Mr. Gregory,

Mr. Larue,
Mr. Moran,
Mr. Newton,
Mr. Pierce,
Mr. Renwick,

Mr. Spencer,
Mr. Sprague,
Mr. Turner,
Mr. Speaker,

19

NAYS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Brown,
Mr. Bush,
Mr. Button,
Mr. Cathcart,
Mr. Champlin,

Mr. Cook,
Mr. Dunham,
Mr. Forbes,
Mr. Hammond,
Mr. Harbaugh,
Mr. Howard,
Mr. McClelland,
Mr. McDonald,

Mr. Miller,
Mr. Mulhollan,
Mr. McReynolds,
Mr. Stockton,
Mr. Tucker,
Mr. Underwood,
Mr. Walker,
Mr. Williams,

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The question then recurring upon the adoption of Mr. Howard's amendment,

Mr. Bell moved an amendment to said amendment, by striking out "Auditor General, State Treasurer and Secretary of State," and inserting in lieu thereof, "commissioners of internal improvement;" which was accepted by Mr. Howard.

And the question being taken on the amendment, it did not prevail.

Mr. Howard moved the following amendment, which was adopted:

"And any sum that may be found due, said claimants, shall be credited to the Michigan state bank, by the commissioners appointed in behalf of the state, to settle with that institution."

The resolution was then adopted.

The House took up the "Bill to provide for the disposition of prisoners apprehended in the county of Livingston," and the same was read a third time and passed.

Also, the "Bill for the relief of the first Presbyterian church and society of the village of Adrian," was read a third time and passed.

The preamble of said bill being under consideration,

On motion of Mr. Underwood,

The same was amended, by striking out the word "should"

in the fourth line; also, the words "of said church and society," in the sixth line; also, the word "and" in the tenth line.

Mr. McReynolds moved that the House suspend any further proceeding in the regular order of the business of the day; which did not prevail.

The House took up for a third reading, bill number fifty-six; which,

On motion of Mr. Harbaugh, was laid upon the table.

On motion of Mr. Turner,

The daily order of business was suspended, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Brown, | Mr. Howard, | Mr. Stockton, |
| Mr. Bush, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Larue, | Mr. Turner, |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. Miller, | Mr. Walker, |
| Mr. Foote, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Gregory, | | |

28

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Backus, | Mr. Castle, | Mr. Newton, |
| Mr. Barbour, | Mr. Davis, | Mr. Pierce, |
| Mr. Bird, | Mr. Kenny, | Mr. Renwick, |
| Mr. Button, | Mr. McDonald, | Mr. Sprague, |
| Mr. Carr, | Mr. Moran, | |

14

Mr. Tucker moved that the report of the chairman of the joint committee on the bank investigations, be taken up and read at the clerk's table.

Mr. Renwick moved that the House adjourn; which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|---------------|
| Mr. Davis, | Mr. Newton, | Mr. Stockton, |
| Mr. Ingalls, | Mr. Renwick, | |

5

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Foote, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Forbes, | Mr. Pierce, |

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Gregory, | Mr. Sanborn, |
| Mr. Bird, | Mr. Hammond, | Mr. Spencer, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Bush, | Mr. Howard, | Mr. Tucker, |
| Mr. Button, | Mr. Kenny, | Mr. Turner, |
| Mr. Carr, | Mr. Larue, | Mr. Underwood, |
| Mr. Castle, | Mr. McClelland, | Mr. Walker, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Williams, |
| Mr. Champlin, | Mr. Miller, | Mr. Speaker, |
| Mr. Cook, | Mr. Moran, | |

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The question recurring upon Mr. Tucker's motion, it prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Bell, | Mr. Gregory, | Mr. Newton, |
| Mr. Bird, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Howard, | Mr. Spencer, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Tucker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Turner, |
| Mr. Cook, | Mr. Miller, | Mr. Walker, |
| Mr. Davis, | Mr. Moran, | Mr. Williams, |
| Mr. Dunham, | Mr. Mulholland, | Mr. Speaker, |

36

NAYS.

| | | |
|-------------|------------|----------------|
| Mr. Backus, | Mr. Kenny, | Mr. Underwood, |
| Mr. Brown, | | |

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The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Tuesday, February 25, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, by direction of the Senate, a "Joint resolution relative to authorizing the Secretary of the Senate and the Clerk of the House of Representatives, to procure the printing of the reports of the joint committee appointed heretofore, to investigate the Bank of Michigan and the Farmers' and Mechanics' bank;" and am instructed to inform you that the Senate have passed the same, and to respectfully request the concurrence of the House of Representatives therein.

Also, further to inform you, that the Senate have concurred in the amendments by the House, to the "Bill containing certain provisions concerning the city of Detroit;" and passed the same as amended.

D. W. KELLOGG,

Secretary of the Senate.

On motion of Mr. Tucker, the resolution from the Senate was laid upon the table.

The report of the chairman of the bank investigating committee, was now read, and,

On motion of Mr. McClelland, the same was laid upon the table.

Mr. Turner, from the joint committee to investigate the banks, submitted a report, which was read, and,

On motion of Mr. Tucker, the same was laid upon the table.

Mr. McClelland moved that the joint resolution from the Senate, relative to the printing of the several reports of the select committee on bank investigations, be taken up for consideration; pending which,

Mr. Backus moved that it be indefinitely postponed, which motion prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Cook, | Mr. Lathrop, |
| Mr. Backus, | Mr. Foote, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Forbes, | Mr. Newton, |
| Mr. Bird, | Mr. Gregory, | Mr. Pierce, |
| Mr. Button, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Carr, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Ingalls, | Mr. Speaker, |
| Mr. Champlin, | Mr. Kenny, | |

23

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Larue, | Mr. Stockton, |
| Mr. Brown, | Mr. McClelland, | Mr. Tucker, |
| Mr. Bush, | Mr. Miller, | Mr. Turner, |
| Mr. Cathcart, | Mr. Moran, | Mr. Underwood, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Hammond, | Mr. Spencer, | Mr. Williams, |

19

Mr. Stockton moved that the vote on the passage of the "Bill restricting the powers of sheriffs," &c., be re-considered.

Mr. McClelland moved that the motion to re-consider be laid upon the table, which motion prevailed.

Mr. Harbaugh moved that three hundred copies of each of the several reports of the bank investigating committee, be printed.

Mr. Pierce moved to lay the motion to print upon the table, which did not prevail.

The question recurring upon Mr. Harbaugh's motion, it was adopted.

(See House Document No. 45.)

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Tuesday, February 25, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to you a "Bill to provide for the election of justices of the peace in the city of Detroit," which the Senate have passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,

Secretary of the Senate.

And the same was read twice, and referred to the committee on the judiciary.

On motion of Mr. Brown, the House adjourned.

Wednesday February 26, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, there were absent without leave, Messrs. LeBaron, Lathrop and Sprague.

LEAVE OF ABSENCE.

Mr. Button asked and obtained leave of absence for Mr. Sprague for an indefinite period.

Mr. McReynolds for Mr. Lathrop, until Monday next.

PETITIONS.

By Mr. Newton. Of sundry citizens of Cass county, praying for a state road. Referred to the committee on roads and bridges.

By Mr. Forbes. Of sundry inhabitants of the county of Wayne, praying for the passage of an act to extend the time for laying out a state road from Gibraltar to Ypsilanti, and to appoint commissioners to lay out the same. Referred to the committee on roads and bridges.

On motion Mr. Turner, the report of the State Geologist was referred to the select committee on that subject.

REPORTS.

Mr. Turner, from the select committee appointed to investigate the department of the State Geologist, submitted a report, which,

On motion of Mr. Harbaugh, was laid upon the table and ordered printed.

(See House Document No. 48.)

Mr. Ashman, from the committee on roads and bridges, to whom was referred Senate bill number thirty one, reported the same back to the House with sundry amendments, which was referred to the committee of the whole, and placed upon the general order.

MOTIONS AND RESOLUTIONS.

Mr. Turner laid upon the table the following joint resolution:

Resolved, That a joint committee of one from the Senate and two from the House of Representatives, be appointed to investigate the condition and affairs of the branch of the Bank of Michigan at Kalamazoo, and the branch of the Farmers' and Mechanics' bank at St. Joseph, with power to send for persons and papers.

Mr. Spencer offered the following:

Resolved, That the select committee of seven, to whom was referred the "Bill for the regulation of internal improvements," be requested to report the same back to this House on or before to-morrow.

On motion of Mr. Harbaugh, the same was laid upon the table.

Mr. Larue gave notice that he will at some future day, ask leave to bring in a "Bill to amend part three, title four, chapter eight of the revised statutes, 'in relation to millers.'"

Mr. Bell gave notice that on some future day, he should ask leave to introduce a "Bill abolishing the law creating a board of county commissioners, and to substitute and re-establish a board of supervisors.

On motion of Mr. Turner,

The House took up for consideration his resolution relative to the appointment of an additional enrolling clerk.

Mr. Fuller moved to so amend said resolution that the enrolling committee be instructed to employ Merrit D. Cobb.

Mr. McReynolds moved to amend the amendment so that the House go into an election instantler, of an assistant enrolling clerk, which motion prevailed.

Mr. Howard then nominated Mr. A. G. Abell; Mr. Brown nominated M. D. Cobb; Mr. Foote nominated G. H. Broadhead; Mr. McReynolds nominated William H. Wilder, and Mr. Turner nominated S. Humes Porter.

On motion of Mr. Tucker,

The vote on the motion to go into an election was then reconsidered.

Mr. Tucker then offered the following resolution, which was adopted:

Resolved, (by this House,) That the committee on enrolment be requested to report to this House forthwith, whether the enrolling clerk is competent to discharge the duties of said office, and whether an assistant clerk is necessary.

Mr. Turner, chairman of the committee on enrolment, reported that it was the opinion of said committee that the present enrolling clerk was incompetent to discharge the duties of said office.

Mr. Turner then moved that the House go forthwith into an election of an enrolling clerk.

Mr. Howard moved to amend the same, so that the House

go into an election to-morrow at 12 o'clock, M., which amendment prevailed.

The "Bill to amend part three, title four and chapter nine of the revised statutes, entitled 'of the lien of mechanics and others,'" was taken up, read a third time and passed.

On motion of Mr. McClelland,

The committee of the whole was discharged from the "Bill to authorize the conveyance of the real estate of minors in certain cases," and on his motion the same was taken up for consideration, and the rule on his motion being suspended, the bill was read a third time and passed.

On motion of Mr. Steele,

The committee of the whole were discharged from the further consideration of the "Bill to authorize Joseph H. Kilborn to erect a dam across the Red Cedar river."

The same being under consideration,

Mr. Steele moved to fill the first blank in the first section of said bill, with the number "sixty," and the second blank in the same section with "twelve," which amendments were adopted.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Backus,

The committee of the whole was discharged from the further consideration of the "Bill to amend chapter four, title three, part one of the revised statutes, relating to removals from office," and on his motion, the same was taken up for consideration.

On motion of Mr. Backus,

The rule requiring bills to be read a third time on a different day from the second reading thereof, was suspended.

Mr. Backus then moved that the bill lie upon the table until to-morrow, which motion prevailed.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the further consideration of the "Bill to amend section six, chapter one, title four, part one of the revised statutes, relative to the election of justices of the peace," and, on his motion,

The same was taken up for consideration, and the rule being suspended, on his motion, the same was read a third time and passed.

On motion of Mr. Pierce,

The House went into committee of the whole on bill number fifty, "to provide for the organization of courts of special sessions, and to define their powers and duties;" Mr. Davis in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, and asked the concurrence of the House therein, and the same were severally concurred in.

On motion of Mr. Bush,

The following was added at the end of the third section:

"*Provided*, The defendant, if requested, give security for costs of said suit."

Mr. Walker moved to amend the first section of said bill by striking out the third, fourth, fifth and sixth divisions of said section, and insert the following in lieu thereof:

"All offences designated in sections thirty-eight, thirty-nine, forty-one, forty-two, forty-three and forty-four of chapter four, title one, part four of the revised statutes, when the injury or damage done shall not exceed fifty dollars," which was adopted.

Mr. McClelland moved to amend the first section, in the eighth line, to come in after the word "changed;" "with intent to commit any other offence;" which amendment was adopted.

Mr. Pierce moved to amend the last section by striking out the words "its passage," and insert in lieu thereof, "after the first Monday in May next," which amendment was adopted.

Mr. Ashman moved to amend the first section, at the end of the seventh line, by adding the following: "*Provided*, That in the counties of Mackinac and Chippewa, said justices shall try all cases where the value of the property stolen shall not exceed fifty dollars," which amendment prevailed.

On motion of Mr. McClelland,

The word "supreme," was stricken out, and the word "circuit" substituted, wherever the same occurs in said bill.

Mr. McClelland also moved further to amend said bill by striking out all after the word "allowed," in section twenty-eight, fourth line; pending which,

Mr. Hammond moved to adjourn. Lost, and

On motion of Mr. Davis, the House adjourned until to-morrow morning at ten o'clock.

Thursday, February 27, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, there was absent without leave, Mr. Foote.

PETITIONS.

By Mr. Backus. Of John M. Chase, praying for compensation for services as clerk in the office of the Auditor General. Referred to the committee on claims.

By Mr. Larue. Of T. S. Smith and others, of the township of Royalton, in Berrien county, asking to be re-attached to the township of St. Joseph, in said county. Referred to the committee on towns and counties.

REPORTS.

Mr. Howard, from the committee on internal improvement, to whom was referred the petition of Clark and Adams, contractors on the Southern railroad, reported that the same had been settled by the Auditor General; and the committee were discharged from the further consideration of the subject.

Mr. Howard, from the same committee, to whom was referred the petition of Silas Dickerson and William L. Colby and other citizens of the county of Washtenaw, praying for remuneration for damages sustained on the Central railroad, reported that the damages had been duly assessed and tendered to said petitioners; and the committee asked to be discharged from the further consideration of the subject.

On motion, the report was laid upon the table, and the committee discharged from the further consideration of the subject.

Mr. Howard, from the same committee, to whom was referred the petition of Addison J. Comstock, submitted a report accompanied by the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of commissioners of internal improvement be, and they are hereby required to certify and adjust the account of Addison J. Comstock, of Adrian, for damages done him in consequence of the location of the southern railroad across the land of said Comstock, and that the Auditor General be required to audit the same, and draw his warrant upon the Treasurer for the same, provided the amount shall not exceed the sum of (\$1,250) twelve hundred and fifty dollars.

The resolution was referred to the committee of the whole, and placed upon the general order; and,

On motion of Mr. Howard, the report was laid upon the table.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the "Bill to incorporate the Port Sheldon land company," reported the same back to the House with sundry amendments; which was referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the judiciary committee, to whom was referred the Senate bill "to provide for the election of justices of the peace in the city of Detroit," reported that a bill is now before the House, which provides for the purposes contemplated in said bill; and the committee asked and were discharged from its further consideration.

Mr. Stockton, from the committee on ways and means, to whom was referred the Senate bill number twenty, "relative to the removal of the seat of government of the state of Michigan, and establishing the same at Marshall," reported the same back to the House with the following resolution:

Resolved, That Senate bill number twenty, ought not to pass this House.

Which was laid upon the table; and the bill was referred to

the committee of the whole, and placed upon the general order.

Mr. Renwick, pursuant to previous notice, introduced a bill, entitled "A bill to repeal an act for the regulation of internal improvement, and for the appointment of a board of commissioners," approved April 20, 1839; which was read twice and referred to the committee on internal improvement.

Mr. Larue, from the committee on ways and means, to whom was referred the petition of Paul Raymond and others, reported adverse to the prayer of the petitioners, and the committee were discharged from its further consideration; and,

On motion of Mr. McReynolds, the report was laid upon the table and ordered printed.

(See House Document No. 47.)

Mr. Hammond, from the judiciary committee, to whom was referred Senate bill number thirty-four, "to extend the powers of county commissioners in certain cases, and to regulate appeals from their decisions," reported the same back to the House with an amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Stockton from the select committee to whom was committed the "Bill for the regulation of internal improvement," reported, in part, the following preamble and resolution, and asked the early consideration of the House, to the subject matter of the same:

Whereas, the special committee of seven, to whom was referred "A bill for the regulation of internal improvement," cannot discharge the duties imposed upon them intelligently, until the legislature shall decide what works of internal improvement shall be proceeded with; therefore,

Resolved, That the committee on internal improvement be requested to report, with as little delay as possible, on the resolution directed to them, passed by this House, on Tuesday, February 25, 1840; which resolution was not adopted.

Mr. Stockton then reported said bill back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Howard, pursuant to previous notice, introduced a "Bill

to define the eastern and southern boundaries of the township of Dearborn, Wayne county;" which was read the first and second times and referred to the committee on the judiciary.

Mr. Larue, on leave, and pursuant to notice, introduced a "Bill to amend chapter two, title four, part three of the revised statutes, 'in relation to millers;'" which was read the first and second times, and referred to the committee on manufactures and agriculture.

RESOLUTIONS AND NOTICES.

On motion of Mr. Hammond,

Resolved, That this House, through its Clerk, send a message to the Senate, to remind that body of the passage of a joint resolution by this House, on the twenty-fourth instant, referring to a joint select committee, the Governor's message, in reference to the Morris canal and banking company, received that day, and respectfully ask that body, what action has been had upon said resolution.

Mr. Harbaugh offered the following resolution:

Resolved, That the Clerk of this House be, and he is hereby authorized to employ Merritt D. Cobb, as assistant clerk, at a compensation not exceeding two dollars per day.

Mr. McReynolds moved to lay the resolution on the table which motion was lost.

Mr. Brown moved to amend, by striking out two dollars, and inserting three dollars; which motion did not prevail.

The question recurring upon the adoption of the resolution, the same prevailed.

On motion of Mr. Cathcart,

The House took up for consideration, his "Joint resolution, relative to adjourning on the tenth day of March, next."

Mr. Brown moved to amend the resolution by striking out "tenth," and inserting in lieu thereof, the "first."

Mr. Harbaugh moved to amend the amendment, by inserting "Monday, 16th day of March;" which prevailed, by yeas and nays, as follows:

YEAS.

Mr. Backus,
Mr. Barbour,

Mr. Davis,
Mr. Dunham,

Mr. Miller,
Mr. Moran,

| | | | |
|---------------|---------------|----------------|----|
| Mr. Bell, | Mr. Forbes, | Mr. Pierce, | |
| Mr. Bird, | Mr. Gregory, | Mr. Renwick, | |
| Mr. Brown, | Mr. Hart, | Mr. Sanborn, | |
| Mr. Bush, | Mr. Harbaugh, | Mr. Spencer, | |
| Mr. Button, | Mr. Howard, | Mr. Tucker, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Underwood, | |
| Mr. Cathcart, | Mr. Johnson, | Mr. Williams, | |
| Mr. Champlin, | Mr. Larue | Mr. Speaker, | |
| Mr. Cook, | Mr. LeBaron, | | 32 |

NAYS.

| | | | |
|--------------|-----------------|---------------|----|
| Mr. Ashman, | Mr. Kenny, | Mr. Newton, | |
| Mr. Axford, | Mr. McClelland, | Mr. Stockton, | |
| Mr. Carr, | Mr. McDonald, | Mr. Turner, | |
| Mr. Fuller, | Mr. Mulhollan, | Mr. Walker, | |
| Mr. Hammond, | Mr. McReynolds, | | 14 |

Mr. Turner moved an indefinite postponement of the subject, which was negatived by yeas and nays, as follows:

YEAS.

| | | | |
|-------------|---------------|---------------|----|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, | |
| Mr. Axford, | Mr. Gregory, | Mr. Newton, | |
| Mr. Bird, | Mr. Hart, | Mr. Pierce, | |
| Mr. Carr, | Mr. Johnson, | Mr. Renwick, | |
| Mr. Cook, | Mr. Kenny, | Mr. Stockton, | |
| Mr. Davis, | Mr. McDonald, | Mr. Turner, | 18 |

NAYS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Howard, | Mr. Sanborn, | |
| Mr. Bell, | Mr. Ingalls, | Mr. Spencer, | |
| Mr. Brown, | Mr. Larue, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Underwood, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Walker, | |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, | |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Speaker, | |
| Mr. Hammond, | | | 25 |

Mr. Spencer moved to lay the resolution on the table, which motion was negatived by yeas and nays, as follows:

YEAS.

| | | | |
|-------------|---------------|----------------|----|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, | |
| Mr. Axford, | Mr. Fuller, | Mr. Newton, | |
| Mr. Bird, | Mr. Gregory, | Mr. Renwick, | |
| Mr. Brown, | Mr. Hart, | Mr. Sanborn, | |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Carr, | Mr. McDonald, | Mr. Stockton, | |
| Mr. Cook, | Mr. Miller, | Mr. Speaker, | 21 |

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Hammond, | Mr. Moran, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Bell, | Mr. Howard, | Mr. Pierce, |
| Mr. Bush, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Castle, | Mr. Kenny, | Mr. Turner, |
| Mr. Cathcart, | Mr. Larue, | Mr. Underwood, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Walker, |
| Mr. Davis, | Mr. McClelland, | Mr. Williams, |
| Mr. Forbes, | | |

25

The question recurring upon the resolution,

Mr. Ashman moved to amend the same by adding the following proviso: "*Provided*, That all the business now and then before the House, shall have been disposed of."

The amendment was negatived by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Button, | Mr. Ingalls, |
| Mr. Axford, | Mr. Carr, | Mr. Johnson, |
| Mr. Backus, | Mr. Davis, | Mr. Kenny, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bell, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Brown, | | |

19

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bush, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Larue, | Mr. Spencer, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, |
| Mr. Cook, | Mr. McDonald, | Mr. Tucker, |
| Mr. Dunham, | Mr. Moran, | Mr. Underwood, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Hammond, | Mr. Pierce, | Mr. Williams, |
| Mr. Harbaugh, | Mr. Renwick, | Mr. Speaker, |

27

The resolution was then adopted by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Axford, | Mr. Forbes, | Mr. Miller, |
| Mr. Backus, | Mr. Fuller, | Mr. Moran, |
| Mr. Barbour, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bush, | Mr. Howard, | Mr. Renwick, |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |

| | | | |
|---------------|---------------|----------------|----|
| Mr. Bell, | Mr. Forbes, | Mr. Pierce, | |
| Mr. Bird, | Mr. Gregory, | Mr. Renwick, | |
| Mr. Brown, | Mr. Hart, | Mr. Sanborn, | |
| Mr. Bush, | Mr. Harbaugh, | Mr. Spencer, | |
| Mr. Button, | Mr. Howard, | Mr. Tucker, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Underwood, | |
| Mr. Cathcart, | Mr. Johnson, | Mr. Williams, | |
| Mr. Champlin, | Mr. Larue | Mr. Speaker, | |
| Mr. Cook, | Mr. LeBaron, | | 32 |

NAYS.

| | | | |
|--------------|-----------------|---------------|----|
| Mr. Ashman, | Mr. Kenny, | Mr. Newton, | |
| Mr. Axford, | Mr. McClelland, | Mr. Stockton, | |
| Mr. Carr, | Mr. McDonald, | Mr. Turner, | |
| Mr. Fuller, | Mr. Mulhollan, | Mr. Walker, | |
| Mr. Hammond, | Mr. McReynolds, | | 14 |

Mr. Turner moved an indefinite postponement of the subject, which was negatived by yeas and nays, as follows:

YEAS.

| | | | |
|-------------|---------------|---------------|----|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, | |
| Mr. Axford, | Mr. Gregory, | Mr. Newton, | |
| Mr. Bird, | Mr. Hart, | Mr. Pierce, | |
| Mr. Carr, | Mr. Johnson, | Mr. Renwick, | |
| Mr. Cook, | Mr. Kenny, | Mr. Stockton, | |
| Mr. Davis, | Mr. McDonald, | Mr. Turner, | 18 |

NAYS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Howard, | Mr. Sanborn, | |
| Mr. Bell, | Mr. Ingalls, | Mr. Spencer, | |
| Mr. Brown, | Mr. Larue, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Underwood, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Walker, | |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, | |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Speaker, | |
| Mr. Hammond, | | | 25 |

Mr. Spencer moved to lay the resolution on the table, which motion was negatived by yeas and nays, as follows:

YEAS.

| | | | |
|-------------|---------------|----------------|----|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, | |
| Mr. Axford, | Mr. Fuller, | Mr. Newton, | |
| Mr. Bird, | Mr. Gregory, | Mr. Renwick, | |
| Mr. Brown, | Mr. Hart, | Mr. Sanborn, | |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Carr, | Mr. McDonald, | Mr. Stockton, | |
| Mr. Cook, | Mr. Miller, | Mr. Speaker, | 21 |

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Hammond, | Mr. Moran, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Bell, | Mr. Howard, | Mr. Pierce, |
| Mr. Bush, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Castle, | Mr. Kenny, | Mr. Turner, |
| Mr. Cathcart, | Mr. Larue, | Mr. Underwood, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Walker, |
| Mr. Davis, | Mr. McClelland, | Mr. Williams, |
| Mr. Forbes, | | |

25

The question recurring upon the resolution,

Mr. Ashman moved to amend the same by adding the following proviso: "*Provided*, That all the business now and then before the House, shall have been disposed of."

The amendment was negatived by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Button, | Mr. Ingalls, |
| Mr. Axford, | Mr. Carr, | Mr. Johnson, |
| Mr. Backus, | Mr. Davis, | Mr. Kenny, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bell, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Brown, | | |

19

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bush, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Larue, | Mr. Spencer, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, |
| Mr. Cook, | Mr. McDonald, | Mr. Tucker, |
| Mr. Dunham, | Mr. Moran, | Mr. Underwood, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Hammond, | Mr. Pierce, | Mr. Williams, |
| Mr. Harbaugh, | Mr. Renwick, | Mr. Speaker, |

27

The resolution was then adopted by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Axford, | Mr. Forbes, | Mr. Miller, |
| Mr. Backus, | Mr. Fuller, | Mr. Moran, |
| Mr. Barbour, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bush, | Mr. Howard, | Mr. Renwick, |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |

| | | |
|---------------|-----------------|----------------|
| Mr. Castle, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Larue, | Mr. Underwood, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Walker, |
| Mr. Cook, | Mr. McClelland, | Mr. Williams, |
| Mr. Davis, | Mr. McDonald, | Mr. Speaker, |
| Mr. Dunham, | | |

43

NAYS.

| | | | |
|-------------|---------------|-------------|---|
| Mr. Ashman, | Mr. Stockton, | Mr. Turner, | 3 |
|-------------|---------------|-------------|---|

Mr. Bush gave notice, that on some future day, he will ask leave to introduce a bill to explain and amend the existing laws in relation to "specific taxes."

Mr. Underwood gave notice, that on some future day, he will ask leave to introduce a bill to incorporate the "Adrian glass manufacturing company."

Mr. Turner moved that the House take up for consideration the resolution laid on the table by himself yesterday, relative to the investigation of the branches of the Detroit banks, which motion prevailed by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Howard, | Mr. McReynolds, |
| Mr. Backus, | Mr. Ingalls, | Mr. Newton, |
| Mr. Barbour, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Bell, | Mr. Kenny, | Mr. Stockton, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cook, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. Moran, | Mr. Walker, |
| Mr. Hammond, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Harbaugh, | | |

28

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Axford, | Mr. Davis, | Mr. Miller, |
| Mr. Bird, | Mr. Forbes, | Mr. Pierce, |
| Mr. Brown, | Mr. Fuller, | Mr. Reawick, |
| Mr. Button, | Mr. Gregory, | Mr. Spencer, |
| Mr. Carr, | Mr. Hart, | Mr. Steele, |
| Mr. Castle, | Mr. McDonald, | Mr. Speaker, |
| Mr. Champlin, | | |

19

Mr. Harbaugh moved to postpone indefinitely the further consideration of the same, which was negatived by yeas and nays as follows:

YEAS.

| | | |
|-------------|-------------|--------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Johnson, |
|-------------|-------------|--------------|

| | | |
|-------------|---------------|--------------|
| Mr. Axford, | Mr. Hart, | Mr. LeBaron, |
| Mr. Button, | Mr. Harbaugh, | Mr. Miller, |
| Mr. Carr, | Mr. Howard, | Mr. Pierce, |
| Mr. Castle, | Mr. Ingalls, | Mr. Speaker, |
| Mr. Forbes, | | |

15

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Gregory, | Mr. Renwick, |
| Mr. Barbour, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bell, | Mr. Kenny, | Mr. Spencer, |
| Mr. Bird, | Mr. Larue, | Mr. Steele, |
| Mr. Brown, | Mr. McClelland, | Mr. Stockton, |
| Mr. Bush, | Mr. McDonald, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Moran, | Mr. Turner, |
| Mr. Champlin, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Cook, | Mr. McReynolds, | Mr. Walker, |
| Mr. Davis, | Mr. Newton, | Mr. Williams, |
| Mr. Dunham, | | |

31

Mr. Bell offered to amend by adding to the resolution, "and to report to the Legislature if in session, and if not in session, then to report to the Executive, who shall publish the same in the state paper," which was adopted.

The question recurring upon the adoption of the resolution, it was adopted by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Gregory, | Mr. Renwick, |
| Mr. Barbour, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bell, | Mr. Kenny, | Mr. Spencer, |
| Mr. Bird, | Mr. Larue, | Mr. Steele, |
| Mr. Brown, | Mr. McClelland, | Mr. Stockton, |
| Mr. Bush, | Mr. Miller, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Moran, | Mr. Turner, |
| Mr. Champlin, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Cook, | Mr. McReynolds, | Mr. Walker, |
| Mr. Dunham, | Mr. Newton, | Mr. Williams, |

30

NAYS.

| | | |
|-------------|---------------|---------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Johnson, |
| Mr. Axford, | Mr. Fuller, | Mr. LeBaron, |
| Mr. Button, | Mr. Hart, | Mr. McDonald, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Castle, | Mr. Howard, | Mr. Speaker, |
| Mr. Davis, | Mr. Ingalls, | |

17

On motion of Mr. Harbaugh,

The House took up for consideration the special message of

the Executive, relative to certain resolutions received from the Executive of New Jersey, and on his motion the same were referred to a select committee consisting of Messrs. Harbaugh, Bell, Tucker, Carr and Walker.

On motion of Mr. Backus, the election of an enrolling clerk, which was made the special order of the day for to-day, was indefinitely postponed.

At the request of Mr. Turner, the House excused him from serving on the committee on enrolment, and the Speaker announced Mr. Bell to fill the vacancy.

The House then took up for consideration, bill number twenty-five, "to authorize Joseph H. Kilborn to erect a dam across the Red Cedar river," and the same was read a third time and passed.

On motion of Mr. Hammond,

The House took up bill number forty, and on his motion, the same was referred to the committee of the whole.

On motion of Mr. Ashman,

The House took up bill number fifty, "to provide for the organization of courts of special session, and to define their powers and duties."

Mr. McClelland moved to amend the bill by striking out all of the sixth and seventh lines of the first section, pending which,

On motion of Mr. McClelland, the House adjourned until half past two o'clock.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, the same members were present as in the forenoon.

Mr. McClelland's motion to amend section one, by striking out the sixth and seventh lines of bill number fifty, being yet under consideration, after much debate, the said amendment was rejected by yeas and nays, as follows:

YEAS.

Mr. Bell,
Mr. Hammond,

Mr. McClelland,
Mr. Turner,

Mr. Walker,

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Ashman, | Mr. Davis, | Mr. McDonald, |
| Mr. Axford, | Mr. Dunham, | Mr. Miller, |
| Mr. Backus, | Mr. Forbes, | Mr. Moran, |
| Mr. Barbour, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Brown, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Button, | Mr. Howard, | Mr. Steele, |
| Mr. Carr, | Mr. Johnson, | Mr. Stockton, |
| Mr. Castle, | Mr. Kenny, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Larue, | Mr. Williams, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Cook, | | |

37

On motion of Mr. Bush,

The ninth section of said bill was amended in the fifth line, after the word "committed," by inserting the following: "he may, if required to be tried by the next circuit court, have that privilege, and in such case, if he neglect or refuse to give bail, be committed to prison until he shall be brought before the circuit court." The bill was then ordered engrossed for a third reading.

The Chair announced the following message from the Executive.

To the Senate and House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to establish a district court within the county of Wayne."

The above mentioned act, having now received the constitutional sanction of the different departments of the Legislature, a case is presented which is perhaps not free of doubt, as to the time and manner in which the incumbent of the office, provided for by this act, is to be appointed.

It will be in the recollection of the Senate and of the House, that by a provision contained in the revised code, no legislative act can be of force until the thirtieth day after its approval, unless a different day be named in the act itself, when it may be the pleasure of the Legislature that it should be of force.

If such be the general rule applicable to the case, then it may result, that no appointment of the judge in the act provided

for, can be made during the present session of the Legislature, for the proposition would hardly be sustained, that a nomination could be made or confirmed by the Senate, for an office, which in contemplation of law, does not exist.

The resulting consequence would then be, either that the beneficial operation of the whole act might remain suspended for nearly an entire year, or resort must be had to an executive appointment in the recess of the legislature. How far it may be competent for the Governor to make an original appointment of an incumbent of such an office, as if it were a vacancy occurring in the recess of the legislature, "by death, resignation or removal," I have not deemed it necessary for me as yet to consider; for I should hold it more desirable, (if such should be the pleasure of the Senate,) that in respect to an office of so much importance to the community, a permanent appointment should be in the first place made. With this view, I respectfully submit for the consideration of both Houses, the propriety of passing a supplementary law, providing, that so far as regards the nomination and appointment of the judge in the act mentioned, the act in question do come into operation and be of force, forthwith.

WILLIAM WOODBRIDGE.

Executive Office, February 19, 1840.

The Chair announced the following messages from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Thursday, February 27, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate respectfully to inform you, that the special message of the Executive, relative to the five million loan, with the accompanying documents relating thereto, had been referred to the committee on finance, prior to the Senate's receiving the resolution from the House; and that said resolution, by the rules of the Senate, laid on the table one day, and was not called up, because the matter being referred to a standing committee of the Senate, it was deemed inexpedient to act upon the resolution.

I am also, further instructed, respectfully to inquire of you,

what action has been had by the House of Representatives, upon a "Joint resolution relative to printing the reports of the joint committee to investigate the condition and affairs of certain banks in this city."

D. W. KELLOGG,

Secretary of the Senate.

SENATE CHAMBER,

Wednesday, February 26, 1840.

To the Speaker of the House of Representatives:

SIR—Herewith, I return the "Bill to provide for the collection of delinquent taxes in the county of Ottawa," with amendments by the Senate, which they have passed as amended, and respectfully ask the concurrence of the House.

Also, I am instructed to inform you, that the Senate do not recede from their amendments to the substitute for the "Bill to abolish the office of bank commissioners;" and that a committee of conference has been appointed on the part of the Senate, consisting of Messrs. Summers, Jones and Gidley, in relation to the disagreement on this bill, and a like committee, on the part of the House, is respectfully asked.

D. W. KELLOGG,

Secretary of the Senate.

On motion of Mr. Bell,

The amendments to the "Bill to provide for the collection of delinquent taxes in the county of Ottawa," were severally concurred in.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,

Thursday, February 27, 1840.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the "Bill to authorize the conveyance of the real estate of minors in certain cases."

And the "Bill to amend section six, chapter one, title four, part first of the revised statutes," and inform you that the Senate have passed the same.

D. W. KELLOGG,

Secretary of the Senate.

On motion of Mr. Hammond,

Resolved, That the special message of the Governor, in reference to so much of the five million loan, as is due from the Morris canal and banking company, be referred to a select committee of five.

The Chair announced as such committee, Messrs. Hammond, Renwick, Underwood, Bell and Tucker.

Mr. Brown laid upon the table, the following preamble and joint resolution:

Whereas, the returns of lands, made by the Treasurer of the county of Kalamazoo to the Auditor General, delinquent for taxes, for the year 1838, embraced lands laying in the county of Barry, which county was, at the time of the levy and assessment of said taxes, attached to the county of Kalamazoo;

And whereas, the county of Kalamazoo has been charged, by the Auditor General, with the state tax for the said year 1838, on the said lands so assessed and taxed in the county of Barry, and has also assumed and paid to the several townships in the said county of Barry, the township taxes to which they were severally entitled;

And whereas, the said Auditor General has given credit to the county of Barry for the amount of said taxes so returned by the treasurer of Kalamazoo county, as delinquent, which should and ought to have been credited to the county of Kalamazoo; now, therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General of this state be, and he is hereby directed and required, to charge the county of Barry with the amount of the state, county and township taxes returned by the treasurer of the county of Kalamazoo, as unpaid for the year 1838, on lands laying in the county of Barry, and that the same be credited to the said county of Kalamazoo.

On motion of Mr. Larue,

The House went into committee of the whole on the "Bill

to provide for the sale of certain lands to the settlers thereon, and for other purposes," Mr. LeBaron in the chair.

After spending some time thereon, the committee rose and reported the same back to the House, with amendments; which were concurred in.

Mr. Harbaugh moved to strike out the tenth section; which motion he afterwards modified, and after much debate,

On motion of Mr. Fuller, the bill was made the special order of the day for Saturday next.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled, "An act to authorize the conveyance of real estate of minors, in certain cases."

On motion of Mr. Backus,

The House took up for consideration, the bill "to amend chapter four, title three, part first of the revised statutes, relating 'to removals from office,'" and the same was read a third time and passed.

Mr. Ingalls moved to adjourn; the yeas and nays being ordered, it was decided in the affirmative, by the following vote;

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Howard, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bird, | Mr. Johnson, | Mr. Steele, |
| Mr. Bush, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, |
| Mr. Davis, | Mr. McDonald, | Mr. Walker, |
| Mr. Dunham, | Mr. Miller, | Mr. Williams, |
| Mr. Hammond, | | |

25

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Button, | Mr. Hart, | Mr. Sanborn, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Underwood, |
| Mr. Castle, | Mr. Larue, | Mr. Speaker, |
| Mr. Cook, | | |

19

Friday, February 28, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, there was absent without leave, Mr. Button, who soon afterwards appeared and took his seat.

PETITIONS.

By Mr. Kenny. Of sundry inhabitants of Grass Lake, Jackson county, praying for the repeal of the license law, and prohibiting the sale of ardent spirits as a beverage. Referred to the select committee on that subject.

By Mr. Ingalls. Of sundry inhabitants of the county of Oakland, praying for the abolishment of the office of county commissioners, and re-establishing the board of supervisors. Referred to the committee on ways and means.

REPORTS.

Mr. Howard, from the committee on internal improvement, to whom was referred a bill to authorize the board of internal improvement to loan a certain amount of railroad iron to the Palmyra and Jacksonburg railroad company, reported the same back to the House without amendment, which was referred to the committee of the whole and placed upon the general order.

Mr. Howard, from the same committee, reported a bill entitled "A Bill to extend the time for building the St. Clair and Romeo railroad."

Also, a "Bill for the relief of the Monroe and Ypsilanti railroad company," which were severally read the first and second times, referred to the committee of the whole and placed upon the general order.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled, "An act to amend section six, chapter one, title four, part one of the revised statutes, relative to the election of justices of the peace."

RESOLUTIONS.

Mr. Backus laid upon the table the following joint resolution:

Resolved, by the Senate and House of Representatives of the

State of Michigan, That the librarian be, and he is hereby instructed to send triplicate copies of the reports of committees to all the states of the Union, and to the congressional library.

On motion of Mr. Backus,

Resolved, That the committee on towns and counties be instructed to inquire into the expediency of changing the times of holding the annual township meetings, from the first Monday in April to the first Monday in March.

On motion of Mr. Harbaugh,

The special message of the Executive of yesterday, was referred to the committee on the judiciary.

The House then took up for consideration the "Bill to provide for the organization of courts of special sessions," and,

On motion of Mr. Pierce,

The same was referred to a select committee, consisting of Messrs. Pierce, McClelland and Bush.

On motion of Mr. Backus,

The House then took up for consideration, the preamble and joint resolutions relative to requesting our Senators and Representative in Congress to urge the passage of a bankrupt law.

Mr. McClelland offered the following substitute for the two first resolutions:

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress, be instructed, and our Representative requested to use their exertions to procure, as speedily as possible, the adoption of a salutary system of bankruptcy that may meet the wants of the people.

Mr. Champlin moved to amend the substitute, by striking out the following: "in Congress, be instructed and our Representative requested," and insert in lieu thereof, "and Representative in Congress be requested," which was adopted.

The question recurring upon the adoption of the last resolution, it was adopted.

The preamble being under consideration,

Mr. McClelland offered the following as a substitute, which was also adopted:

"*Whereas*, by the constitution of the United States, the power to establish a uniform system of bankruptcy has been intrusted to the general government; *and whereas*, the commercial, manufacturing and agricultural interests of the country imperatively demand that the power should now be exercised; *and whereas*, we believe a system can be devised which will promote the interests of the creditor and at the same time relieve the unfortunate and meritorious debtor."

On motion of Mr. Barbour,

The House took up the "Bill to reduce the number of members and officers of township boards and for other purposes," and on his motion the same was referred to the committee of the whole, and placed upon the general order.

Mr. McReynolds moved that the House resolve itself into a committee of the whole, on the "Bill to establish the compensation of members and officers of the Legislature, which motion prevailed by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Forbes, | Mr. Pierce, |
| Mr. Backus, | Mr. Fuller, | Mr. Renwick, |
| Mr. Barbour, | Mr. Gregory, | Mr. Sanborn, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Bird, | Mr. Howard, | Mr. Sprague, |
| Mr. Brown, | Mr. Ingalls, | Mr. Steele, |
| Mr. Bush, | Mr. Johnson, | Mr. Tucker, |
| Mr. Carr, | Mr. Kenny, | Mr. Turner, |
| Mr. Castle, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Walker, |
| Mr. Cook, | Mr. Miller, | Mr. Williams, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Foote, | Mr. Newton, | |

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NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Ashman, | Mr. Hammond, | Mr. LeBaron, |
| Mr. Champlin, | Mr. Hart, | Mr. Stockton, |
| Mr. Davis, | | |

7

Mr. Backus in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment.

Mr. Davis moved to fill the blank in said bill with \$2 50.

Mr. Ashman moved to amend the same by filling said blank

with \$3 00, which motion was lost by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Cathcart, | Mr. McDonald, |
| Mr. Barbour, | Mr. Champlin, | Mr. Miller, |
| Mr. Bell, | Mr. Cook, | Mr. Newton, |
| Mr. Bird, | Mr. Dunham, | Mr. Stockton, |
| Mr. Brown, | Mr. Hammond, | Mr. Tucker, |
| Mr. Bush, | Mr. Hart, | Mr. Turner, |
| Mr. Button, | Mr. LeBaron, | Mr. Williams, |
| Mr. Carr, | | |

22

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Howard, | Mr. Pierce, |
| Mr. Backus, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Castle, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Davis, | Mr. Kenny, | Mr. Spencer, |
| Mr. Foote, | Mr. Larue, | Mr. Sprague, |
| Mr. Forbes, | Mr. McClelland, | Mr. Underwood, |
| Mr. Fuller, | Mr. Moran, | Mr. Walker, |
| Mr. Gregory, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Harbaugh, | Mr. McReynolds, | |

26

Mr. Ashman then moved to fill the blank with \$2 99, which motion did not prevail.

The question then recurring upon Mr. Davis' motion, it was lost by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|----------------|
| Mr. Axford, | Mr. Howard, | Mr. Mulhollan, |
| Mr. Brown, | Mr. Ingalls, | Mr. Newton, |
| Mr. Davis, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Gregory, | Mr. Miller, | Mr. Spencer, |
| Mr. Hart, | | |

13

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Backus, | Mr. Foote, | Mr. Pierce, |
| Mr. Barbour, | Mr. Fuller, | Mr. Renwick, |
| Mr. Bell, | Mr. Hammond, | Mr. Sprague, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Stockton, |
| Mr. Bush, | Mr. Kenny, | Mr. Tucker, |
| Mr. Carr, | Mr. Larue, | Mr. Turner, |
| Mr. Castle, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, |
| Mr. Cook, | Mr. Moran, | Mr. Speaker, |
| Mr. Dunham, | | |

34

Mr. Sanborn moved to fill the blank with \$2.00, which was negatived by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Larue, | Mr. Sanborn, |
| Mr. Castle, | Mr. McClelland, | Mr. Sprague, |
| Mr. Foote, | Mr. Moran, | Mr. Underwood, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Fuller, | Mr. McReynolds, | Mr. Williams, |
| Mr. Harbaugh, | Mr. Pierce, | Mr. Speaker, |
| Mr. Kenny, | | |

19

NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Ashman, | Mr. Cook, | Mr. LeBaron, |
| Mr. Axford, | Mr. Davis, | Mr. McDonald, |
| Mr. Barbour, | Mr. Dunham, | Mr. Miller, |
| Mr. Bell, | Mr. Gregory, | Mr. Newton, |
| Mr. Bird, | Mr. Hammond, | Mr. Renwick, |
| Mr. Brown, | Mr. Hart, | Mr. Spencer, |
| Mr. Bush, | Mr. Howard, | Mr. Stockton, |
| Mr. Carr, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Turner, |
| Mr. Champlin, | | |

28

Mr. McClelland moved to amend said bill by striking out all after the enacting clause, which motion was lost by the following vote:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Cathcart, | Mr. McClelland, |
| Mr. Barbour, | Mr. Champlin, | Mr. McDonald, |
| Mr. Bell, | Mr. Cook, | Mr. Miller, |
| Mr. Bird, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Brown, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bush, | Mr. Hart, | Mr. Turner, |
| Mr. Carr, | Mr. LeBaron, | |

20

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Howard, | Mr. Renwick, |
| Mr. Backus, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Castle, | Mr. Johnson, | Mr. Spencer, |
| Mr. Davis, | Mr. Kenny, | Mr. Sprague, |
| Mr. Foote, | Mr. Larue, | Mr. Tucker, |
| Mr. Forbes, | Mr. Moran, | Mr. Underwood, |
| Mr. Fuller, | Mr. McReynolds, | Mr. Walker, |
| Mr. Gregory, | Mr. Newton, | Mr. Williams, |
| Mr. Harbaugh, | Mr. Pierce, | Mr. Speaker, |

27

On motion of Mr. Barbour, the bill was laid upon the table, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Miller, |
| Mr. Barbour, | Mr. Foote, | Mr. Moran, |
| Mr. Bell, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Bird, | Mr. Hammond, | Mr. Newton, |
| Mr. Brown, | Mr. Howard, | Mr. Spencer, |
| Mr. Carr, | Mr. Johnson, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Turner, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Williams, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |

27

NAYS.

| | | |
|-------------|-----------------|----------------|
| Mr. Axford, | Mr. Hart, | Mr. Renwick, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Castle, | Mr. Kenny, | Mr. Tucker, |
| Mr. Davis, | Mr. McClelland, | Mr. Underwood, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Walker, |
| Mr. Fuller, | Mr. Pierce, | |

20

On motion of Mr. Renwick,

A committee of conference was appointed to confer with a like committee on the part of the Senate, in relation to the existing disagreement relative to the "Bill to abolish the office of bank commissioner."

The Chair announced as such committee, Messrs. Renwick, Bell and Stockton.

On motion of Mr. Davis,

The House went into committee of the whole on the bill "to provide for the settlement with the Detroit and Pontiac railroad company," Mr. Hammond in the chair.

After spending some time thereon, the committee rose and reported progress, asked and obtained leave to sit again.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act, entitled "An act to authorize the conveyance of the real estate of minors in certain cases."

WILLIAM WOODBRIDGE.

Executive Office, February 28, 1840.

Mr. Tucker moved to adjourn until 10 o'clock to-morrow morning.

Mr. Howard moved to amend the motion, by adjourning until half past 2 o'clock, P. M., of this day; which prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Ashman, | Mr. Davis, | Mr. LeBaron, |
| Mr. Barbour, | Mr. Foote, | Mr. McDonald, |
| Mr. Bell, | Mr. Forbes, | Mr. Miller, |
| Mr. Bird, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Hammond, | Mr. Pierce, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Castle, | Mr. Howard, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Underwood, |
| Mr. Cook, | Mr. Larue, | Mr. Speaker, |

27

NAYS.

| | | |
|-------------|-----------------|---------------|
| Mr. Axford, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Backus, | Mr. McClelland, | Mr. Stockton, |
| Mr. Brown, | Mr. Moran, | Mr. Tucker, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Walker, |
| Mr. Fuller, | Mr. Newton, | Mr. Williams, |
| Mr. Hart, | Mr. Renwick, | |

17

Afternoon Session.

The House met at half past 2 o'clock, pursuant to adjournment.

The roll being called, there were absent without leave, Messrs. Button and Turner.

On motion of Mr. McClelland,

The committee of the whole were discharged from the further consideration of the "Bill to amend an act, entitled 'An act to incorporate the city of Monroe,' " and, on his motion, the House took up the same for consideration; and,

On motion of Mr. Champlin,

The rule was suspended, and the bill read a third time and passed, by the following vote:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, |
| Mr. Axford, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Hart, | Mr. Newton, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bird, | Mr. Howard, | Mr. Renwick, |

| | | |
|---------------|-----------------|----------------|
| Mr. Brown, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Bush, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Underwood, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Walker, |
| Mr. Cook, | Mr. Lathrop, | Mr. Williams, |
| Mr. Dunham, | Mr. McClelland, | Mr. Speaker, |
| Mr. Foote, | Mr. McDonald, | 41 |
| NAYS. | | |

0

On motion of Mr. Walker,

The House went into committee of the whole on the "Bill amendatory to an act, entitled 'An act to incorporate the Macomb and Saginaw railroad company, and for other purposes,'" Mr. Sprague in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment; and the bill was then ordered engrossed for a third reading.

On motion of Mr. Howard,

The committee of the whole was discharged from the further consideration of the "Bill for the regulation of the board of internal improvement;" and on his motion, the House took up the same for consideration.

The Speaker called Mr. McClelland to the chair.

The Speaker moved to amend said bill, by striking out in the first section, all that portion designating the location of the commissioners; which motion prevailed.

Mr. Stockton offered the following amendment, to come in after the word "that," in the second line: "the Governor by and with the advice and consent of the Legislature."

Mr. Harbaugh moved an amendment to the amendment; which was accepted by Mr. Stockton.

And the amendment as amended, was adopted.

Mr. Howard moved to amend the first section of the bill by striking out the word "ten," and inserting in lieu thereof, the word "twelve," which motion did not prevail.

Mr. Howard moved to further amend said bill by striking out in section four, third line, "\$600," and inserting in lieu

thereof, "\$300," which was decided in the negative, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Larue, |
| Mr. Bell, | Mr. Hart, | Mr. McReynolds, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Champlin, | Mr. Howard, | Mr. Tucker, |
| Mr. Cook, | | |

13

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Forbes, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bush, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Spencer, |
| Mr. Castle, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Walker, |
| Mr. Davis, | Mr. Miller, | Mr. Williams, |
| Mr. Dunham, | Mr. Moran, | |

29

Mr. Miller moved to strike out "\$300," and insert "\$700."

On motion of Mr. Hammond, a division of the question was ordered; and

The House refused to strike out, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. LeBaron, |
| Mr. Bell, | Mr. Hart, | Mr. Miller, |
| Mr. Brown, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Carr, | Mr. Howard, | Mr. Sprague, |
| Mr. Champlin, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cook, | | |

16

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Forbes, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bush, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Larue, | Mr. Spencer, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Davis, | Mr. McDonald, | Mr. Walker, |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, |

27

On motion of Mr. Harbaugh,

The word "twelve," in the third line of section nine, was stricken out, and the word "ten," inserted in lieu thereof; and

On motion of Mr. Tucker,

The word "may," was stricken out of the first line of section ten, and the word "shall," inserted.

Mr. Howard offered the following substitute for section twelve:

"Sec. 12. The board of commissioners, whenever they deem it necessary or advisable, in the prosecution of any work or works under their direction, may order any sum of money not exceeding ten thousand dollars, to be paid out of the internal improvement fund, to the acting commissioner having charge of such work or works, to be expended on the same; and it shall be the duty of such commissioner to take duplicate receipts of all sums of money which he may pay to contractors, or other persons, for or on account of public works under his charge; and no further advances shall be made to such commissioner until he shall have presented to the Auditor General, satisfactory vouchers for at least nine-tenths of the amount so advanced; nor then shall any sum be so advanced, which, added to the amount unaccounted for, shall exceed ten thousand dollars;" pending which,

On motion of Mr. Howard, a call of the House was ordered.

The roll being called, the following members were absent without leave:

Messrs. Brown, Button, Dunham, Fuller, Steele and Walker.

Mr. Speaker asked for and obtained leave of absence for Mr. Fuller.

Mr. Foote for Mr. Button.

Mr. Bush for Mr. Steele; and,

On motion of Mr. Howard,

The sergeant-at-arms was ordered to bring into the House the absentees.

The absentees soon appearing and taking their seats,

Mr. Howard moved that the further proceedings under the call be dispensed with, which motion prevailed.

The question recurring upon Mr. Howard's substitute,

Mr. Castle moved the following amendments to the same:

Strike out in the third line the word "ten," and insert "five;"

ninth line, strike out "at least nine-tenths of;" tenth line, strike out all after the word "advanced;" which amendments did not prevail.

The question recurring upon the adoption of the substitute, it was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|------------------|
| Mr. Bell, | Mr. Cook, | Mr. LeBaron, |
| Mr. Bird, | Mr. Davis, | Mr. McClelland, |
| Mr. Bush, | Mr. Hammond, | Mr. Miller, |
| Mr. Castle, | Mr. Hart, | Mr. Mulhollan, |
| Mr. Cathcart, | Mr. Harbaugh, | Mr. Turner, |
| Mr. Champlin, | Mr. Howard, | Mr. Williams, 18 |

NAYS.

| | | |
|--------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Axford, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Backus, | Mr. Kenny, | Mr. Spencer, |
| Mr. Barbour, | Mr. Larue, | Mr. Sprague, |
| Mr. Carr, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Dunham, | Mr. Moran, | Mr. Tucker, |
| Mr. Foote, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Forbes, | Mr. Newton, | Mr. Walker, |
| Mr. Gregory, | Mr. Pierce, | Mr. Speaker, 27 |

Mr. Spencer offered the following additional section, to come in as section thirteen, which was not adopted:

"Sec. 13. The board of commissioners, whenever they deem it necessary or advisable in prosecuting any work or works under their direction, may order any sum of money not exceeding two thousand dollars, to be paid out of the internal improvement fund, to any acting commissioner or engineer having charge of any work or works, to be expended upon the same, in paying such bills and sums of money for services, &c., (not embraced in general contracts,) as may be incidental and necessary in the prosecution and protection of any such work or works; and no further advances shall be made to such commissioner or engineer, until he shall have presented to the Auditor General, satisfactory vouchers for the amount so advanced."

Mr. Tucker moved to amend by striking out, in section thirteen, seventh line, "or moneys equally good for such," which was adopted.

Mr. Hammond moved to fill the blank in section twenty, with the following:

| | Per mile. | Cents. | Mills. |
|--|-----------|--------|--------|
| 1. For merchandize and all other freight not otherwise particularly specified, for each 100 lbs, | | | 2½ |
| 2. Mill stones, pot and pearl ashes, beef, pork, lard, tallow, bacon, butter, cheese, poultry, timber, brick, heading, hoop poles, gypsum, plaster, lime, pig and scrap iron, and all kinds of stone, per 100 lbs, | | | 1½ |
| 3. Wheat, oats, corn, barley, rye, and all other kinds of products, not otherwise specified, per 100 lbs, | | | 1 |
| 4. Pleasure waggons and sleighs, per 100 lbs, | | | 4 |
| 5. Lumber wagons and post coaches, per 100 lbs, | | | 3 |
| 6. Salt (by count,) per bbl, | | | 4 |
| 7. Flour per bbl, | | | 3 |
| 8. Shingles, per 1,000, | | | 3½ |
| 9. All sawed lumber, per 100 feet, | | | 4 |
| 10. Staves, (count) per 100, | | | 3 |
| 11. Wood, per cord, | 2 | | |
| For each car carrying freight, with eight wheels, loaded, | | 2 | |
| For each car carrying freight, with eight wheels, empty, | | 1 | |
| For each car carrying freight, with four wheels, loaded, | 1 | 5 | |
| For each car carrying freight, with four wheels, empty, | | | 7 |

Mr. Spencer offered the following substitute:

"Sec. 20. Said board are hereby authorized, whenever in their opinion it shall be for the interest of the state, to sell the freight cars owned by the state, and thereafter to allow any

person or persons to furnish their own cars, and to transport produce, merchandize, or other articles of freight, subject, however, to such regulations as said board may prescribe. And said board shall, in such case, determine the rates of toll to be paid for the use of motive power, which regulations and rates of toll for motive power, shall be subject to such alterations as the legislature may from time to time direct."

Which was rejected, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Axford, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Backus, | Mr. Gregory, | Mr. Newton, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Carr, | Mr. Larue, | Mr. Spencer, |
| Mr. Davis, | Mr. Moran, | Mr. Tucker, |
| Mr. Foote, | | |

19

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hart, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Howard, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Turner, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. Lathrop, | Mr. Walker, |
| Mr. Dunham, | Mr. McClelland, | Mr. Williams, |
| Mr. Hammond, | Mr. Miller, | Mr. Speaker, |

24

The question recurring upon the amendment offered by Mr. Hammond, it prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Howard, | Mr. Sprague, |
| Mr. Bell, | Mr. Kenny, | Mr. Stockton, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. Miller, | Mr. Walker, |
| Mr. Dunham, | Mr. McDonald, | Mr. Williams, |
| Mr. Hammond, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Harbaugh, | | |

22

NAYS.

| | | |
|--------------|--------------|--------------|
| Mr. Axford, | Mr. Forbes, | Mr. Moran, |
| Mr. Backus, | Mr. Gregory, | Mr. Newton, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Cook, | Mr. Johnson, | Mr. Spencer, |
| Mr. Davis, | Mr. Larue, | Mr. Tucker, |
| Mr. Foote, | Mr. Lathrop, | |

20

Mr. Kenny moved to amend the eighteenth section in the third line, by striking out the word "principal," and add the letter "s," to commissioners, which was adopted.

On motion of Mr. LeBaron, section sixteen, tenth line, was amended by striking out the words "said board, or acting commissioner," and insert in lieu thereof, "the Auditor General." Also, in line sixteen, same section, by striking out the words "payment of said assessment by said board or acting commissioner," and inserting the words "Auditor General to draw his warrant for the amount of said assessment," and,

On motion of Mr. Underwood, section fifteen was amended by striking out all after the word "legislature," and

On motion of Mr. Davis, the bill was laid upon the table.

The Chair announced the following message from the Executive accompanied by the "Bill to abolish the office of State Printer," which he returned without his signature, by Mr. Bruce, his private secretary:

To the House of Representatives:

GENTLEMEN—In accordance with the provision of the constitution, I return to "the house in which it originated," the bill entitled "An act to abolish the office of State Printer, and for other purposes," without my signature.

First. The first objection which I find it difficult to overcome, consists in the belief, that it is not expedient that the legislature should place beyond its control and proper supervision, the whole of the public printing and work connected with it, for so long a period as two years from July next. To attempt thus practically to tie the hands of future legislatures, in relation to a matter of so much practical importance to the people, is, in itself objectionable, even if it were free of doubt, as to our competency to do so. But the deranged state of the currency of the country, and the continued and successive changes in the relative prices of materials and labor, consequent upon it, must render it impossible to determine, by the relative value of money *this year*, what may be a fair and reasonable compensation for the next. I object then to so much of the bill as purports to confer upon the officers of the government indicated,

the power and the duty to contract for *all* the public printing and binding, necessary to be done for the legislature, and for all the departments of government, for a period so long as two years from and after the first day of July, 1840.

Second. The constitution requires "that each house shall keep a journal of its proceedings, and publish the same, &c." I consequently feel myself authorized, and perhaps bound, to notice the facts which it exhibits. By a reference to the journal of the Senate, of the third and fourth days of February, instant, I find that a contract has been authorized and consummated by the Senate for performing a part of the public printing during the current year. The bill purports to require the officers indicated, to contract for the whole of the public printing, by a clause *universal* in its terms, and containing no proviso, exception or saving, in regard to that part of the public printing, which had been already contracted for. So far as I have means of knowledge, this contract appears to have been entered into in good faith, and was sanctioned by the law of April 10, 1839. If so, it is morally binding over all private contracts, the constitution throws its mantle. Their obligations should never be impaired. Last and least of all, should the authorities of the state set the pernicious example. I know this Legislature could never intend to do so; it may have been supposed that the contract alluded to was founded in mistake—it may have contained a reservation of power; of these things I am ignorant, nor can I judge. The journal entries furnish at once, the source and limit of my information; seeing them, am I not bound by them, looking no further?

It is with deep reluctance then, that I feel myself inhibited from affixing my signature to the bill, because its *ostensible* tendency is to infringe a principle of the constitution, which should be holden inviolate.

I am decidedly of the opinion that the office of State Printer ought, in this state, to be abrogated, such an establishment is not here indispensable, and it tends to an unjust monopoly, it deprives the state of the benefit of fair and honorable competition; past experience, and the observation of other times and

countries, may well admonish us that the influences of such an office are not of the most favorable character in our communities. But notwithstanding, my opinion as to the general expediency of abrogating the office, I feel constrained to withhold my assent from a bill which contains features, which seem to me, still more objectionable than those of the existing law. It will now be again referred to the wisdom of the Legislature as to the expediency of passing it in its present or in a modified shape.

WILLIAM WOODBRIDGE.

Executive Office, February 28, 1840.

Mr. Harbaugh moved that the vote on the passage of said bill be re-considered.

And on his motion, the motion to re-consider was laid upon the table.

Mr. McClelland moved that the message be laid upon the table, and that three hundred copies of the same be ordered printed.

A division of the question being ordered, the motion to lay upon the table prevailed.

The question then being upon the motion to print three hundred copies, the same prevailed by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Larue | Mr. Stockton, |
| Mr. Bell, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Turner, |
| Mr. Champlin, | Mr. Moran, | Mr. Underwood, |
| Mr. Davis, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Williams, |
| Mr. Hammond, | Mr. Sanborn, | Mr. Speaker, |
| Mr. Kenny, | Mr. Spencer, | |

23

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Ashman, | Mr. Foote, | Mr. Johnson, |
| Mr. Backus, | Mr. Forbes, | Mr. LeBaron, |
| Mr. Barbour, | Mr. Gregory, | Mr. Miller, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Castle, | Mr. Howard, | Mr. Sprague, |
| Mr. Cook, | Mr. Ingalls, | |

20

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Friday, February 28, 1840. }

To the Speaker of the House of Representatives:

SIR—I return, herewith, a “Bill for the independent organization of military corps, designated as volunteer companies,” with a substitute therefor; which substitute the Senate have adopted in lieu of the bill, and passed the same, and respectfully ask the concurrence of the House therein.

Also, herewith, I transmit a “Bill to facilitate and render less expensive the collection of claims against corporations,” &c., which the Senate have passed, and ask concurrence.

D. W. KELLOGG,

Secretary of the Senate.

And the substitute for the House bill, entitled a “Bill for the independent organization of military corps designated as volunteer companies,” was read the first and second times, and referred to the committee on the militia.

The “Bill to facilitate and render less expensive the collection of claims against corporations, and the directors and stockholders thereof,” was read the first and second times, and referred to the committee on banks and incorporations.

On motion of Mr. Harbaugh,

The House took up bills No. fifty-eight and sixty-two of the House, and No. sixty-one, substitute for Senate bill No. twenty-three, which were severally read the first and second times, and,

On his motion, were referred to the committee of the whole, and placed upon the general order.

On motion, the House adjourned.

Saturday, February 29, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Colclazer.

The roll being called, there were absent without leave, Messrs. Bush, Howard, Ingalls and Turner.

LEAVE OF ABSENCE.

Mr. Harbaugh asked for and obtained leave of absence for Mr. Howard, for one day.

Mr. Davis for Mr. Ingalls, until Wednesday.

PETITIONS.

By Mr. Brown. Of Benjamin Drake, of Kalamazoo county, praying for relief from the operations of a certain lease given to the Superintendent of Public Instruction. Referred to the committee on the judiciary.

By Mr. Lathrop. Three several petitions from sundry inhabitants of Jackson county, praying for the repeal of the law creating the office of county commissioners. Referred to the committee on the judiciary.

By Mr. Spencer. Of sundry citizens of Ypsilanti and vicinity, praying that the cars on the railroads belonging to this state, may not be permitted to run on the Sabbath.

Mr. Kenny presented a petition from sundry citizens of Washtenaw county, on the same subject.

Mr. Backus also presented a petition from sundry citizens of Wayne county, praying for the same object; which petitions were severally referred to the select committee on that subject.

By Mr. Champlin. Several petitions from one hundred and seventy-five inhabitants of the county of Hillsdale, praying for the removal of the seat of justice of said county. Referred to the committee on towns and counties.

The House took up for consideration, the "Bill to incorporate the Macomb and Saginaw railroad company, and for other purposes;" which was read a third time, and,

On motion of Mr. Sanborn, the same was laid upon the table.

The Chair announced as the special order of the day, the "Bill to provide for the sale of certain lands to the settlers thereon, and for other purposes;" and,

On motion of Mr. Larue,

The bill was again referred to the committee of the whole, and,

On motion of Mr. Champlin,

The House resolved itself into a committee of the whole on said bill, Mr. LeBaron in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments; which were concurred in by the House.

The bill being under consideration, Mr. Fuller moved to amend by striking out all after the enacting clause, and offered the following, as a substitute for the same:

Whereas, The claims of settlers on the university lands of this state, for indemnity for expenses they have incurred for improvements made on such lands, or for the purchase of such lands under some liberal provision of the Legislature, is a subject of deep and abiding interest with that portion of the citizens of this state, and one well deserving legislative consideration; *and whereas*, the subject is of too grave an import for legislative action, without well authenticated facts on which to predicate such action; *and whereas*, the evidences justifying those claims are various and doubtful:

Be it resolved by the Senate and House of Representatives of the State of Michigan, That three commissioners be appointed by the Governor, by and with the advice and consent of the Senate, whose duty it shall be to proceed to those sections of the state where settlers on university lands are located, and determine by such evidences as shall be satisfactory to them, the quantity of lands located, at what time the settlers located on their respective lands, the number of acres under improvement, and the value of buildings and other improvements they have respectively, and report thereon, together with such other matters as may seem to them relevant to the subject, to the next legislature, with a view to a definite action by such legislature; *Provided*, That until such definite action shall be had by the Legislature, it shall be the duty of the Superintendent of Public Instruction, and he is hereby required to reserve from sale, all university lands which are now settled on by squatters.

Resolved, That the commissioners shall be entitled to dollars per day, for their services.

On motion of Mr. Bell, a division of the question was ordered.

The question being taken on striking out, it was decided in the negative, by the following vote:

YEAS.

Mr. Bird,
Mr. Carr,
Mr. Forbes,
Mr. Fuller,

Mr. Gregory,
Mr. Kenny,
Mr. McDonald,
Mr. McReynolds,

Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Underwood, 12

NAYS.

Mr. Ashman,
Mr. Axford,
Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Brown,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Cook,
Mr. Davis,

Mr. Dunham,
Mr. Foote,
Mr. Hammond,
Mr. Hart,
Mr. Harbaugh,
Mr. Johnson,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,
Mr. McClelland,
Mr. Miller,

Mr. Moran,
Mr. Mulhollan,
Mr. Newton,
Mr. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Turner,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

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Mr. Pierce then moved to amend said bill by striking out all after the enacting clause, and offered the following substitute therefor:

“That the regents of the university of the state of Michigan are authorized, and hereby required, to investigate the claims of the settlers on the university lands, and adjust the same, and they are hereby required to appoint a committee of their own body, or of such other persons as they may appoint for that purpose, not exceeding three persons, whose duty it shall be to go to said lands and examine the same; and the said committee are hereby authorized to estimate what the improvements of each settler is worth, and also, what the use of said improvements have been worth to such settler, and to deduct the use of said improvements from the worth thereof. And said committee, after estimating the improvements of all the settlers on said lands, shall report the same to the regents of the university; and said regents may adjust the same by leasing the lands so occupied and improved, to each of such settlers, for such length of time as shall be sufficient to fully compensate each

settler for the same, so due him, for said improvement as aforesaid and estimated by said committee."

"Sec. 2. *And be it further enacted*, That the said regents of the university may examine into the situation of the aforesaid settlers, and pay them respectively such sum as said regents may think is justly due to each person on the same, either by leasing said lands, as provided in the first section of this act, or by paying them in any other way that they may think just and equitable, out of the funds of said university."

"Sec. 3. And the Auditor General, Secretary of State, and Treasurer of this state, are hereby authorized and required to appoint three commissioners, whose duty it shall be to appraise the improvements made by settlers upon lands located for state purposes; and the same proceedings shall be had by the officers in this section, in settling and adjusting the same, as is required to be performed in the two first sections of this act, and the sums so found due to said settlers, if not paid by leasing said lands to said settlers, shall be audited and allowed, and paid by the Treasurer of this state, out of any moneys in the treasury, belonging to the common funds of this state."

"Sec. 4. This act shall take effect and be in force from and after its passage."

On motion of Mr. Hammond, a division of the question was ordered.

The question being taken on striking out, it was lost by yeas and nays, as follows:

YEAS.

Mr. Backus,
Mr. Bird,
Mr. Carr,
Mr. Forbes,
Mr. Fuller,

Mr. Gregory,
Mr. Kenny,
Mr. McDonald,
Mr. McReynolds,
Mr. Pierce,

Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Underwood, 15

NAYS.

Mr. Ashman,
Mr. Axford,
Mr. Barbour,
Mr. Bell,
Mr. Brown,
Mr. Castle,

Mr. Dunham,
Mr. Foote,
Mr. Hammond,
Mr. Hart,
Mr. Harbaugh,
Mr. Johnson,

Mr. Miller,
Mr. Moran,
Mr. Mulhollan,
Mr. Newton,
Mr. Stockton,
Mr. Turner,

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| Mr. Cathcart, | Mr. Larue, | Mr. Walker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Williams, |
| Mr. Cook, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Davis, | Mr. McClelland, | |

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Mr. Harbaugh offered the following substitute for section two:

"Sec. 2. That the Governor, by and with the advice and consent of the Senate, shall appoint three persons as commissioners of appraisal under this act, for the lands lying, situated and embraced within the Kalamazoo and Ionia land districts."

Mr. McClelland moved to amend by striking out the words "of the Senate," and insert in lieu thereof, the words "of both branches of the Legislature;" which motion prevailed.

The question recurring upon the adoption of the substitute as amended, it was adopted.

Mr. Backus moved to amend the tenth section, by adding the following, which was adopted:

"And if said settlers, or any of them, or their agents or servants, shall, during the continuance of the term of years for which they shall elect to hold said land in compensation for their improvements aforesaid, shall commit any waste or other injury to said lands, they shall forfeit all claims to said land and term of years therein, the same shall revert to the state free from all incumbrance."

Mr. Pierce then moved to commit said bill to the committee on university and school lands.

Mr. Hammond moved to amend the motion by moving to re-commit the bill to the select committee; which motion prevailed.

On motion of Mr. Fuller,

The House took up for consideration, Senate bill "to authorize the anticipation of certain instalments of the five million loan," for which he offered a substitute.

Mr. Hammond moved that the bill and substitute both be laid upon the table, which motion did not prevail.

The substitute offered by Mr. Fuller, was read twice and

referred to the committee of the whole and placed upon the general order.

Mr. Turner gave notice, that on some future day, he should ask leave to bring in a bill entitled "An act compelling the banks within the state of Michigan to resume specie payments, and for the better regulation of the same."

Mr. Lathrop gave notice that he would, at some future day, ask leave to introduce a bill for the incorporation of a mutual insurance company, to be located at Jackson, Jackson county, Michigan.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled, "An act to provide for the laying out and establishing certain state roads, and for other purposes."

On motion of Mr. Spencer,

The House took up for consideration the joint resolution reported by the committee on university and school lands, on the 17th instant, relative to the petition of Seth Ballou and others; and then moved that it be re-committed to the committee on university and school lands.

Mr. Tucker moved to amend the motion by referring the resolution to the select committee on university and state lands.

The Chair decided that the question must be first taken up on the first motion.

Mr. McClelland appealed from the decision of the Chair;

And the yeas and nays being ordered, the decision of the Chair was sustained by the following vote:

YEAS.

| | | |
|---------------|----------------|-----------------|
| Mr. Ashman, | Mr. Hart, | Mr. McReynolds; |
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Barbour, | Mr. Johnson, | Mr. Pierce, |
| Mr. Bird, | Mr. Kenny, | Mr. Renwick, |
| Mr. Carr, | Mr. Larue, | Mr. Sanborn, |
| Mr. Castle, | Mr. LeBaron, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Cook, | Mr. McDonald, | Mr. Underwood, |
| Mr. Foote, | Mr. Miller, | Mr. Walker, |
| Mr. Forbes, | Mr. Moran, | Mr. Williams, |
| Mr. Fuller, | Mr. Mulhollan, | |

NAYS.

Mr. Axford,
Mr. Bell,
Mr. Brown,
Mr. Champlin,

Mr. Dunham,
Mr. Hammond,
Mr. McClelland,

Mr. Stockton,
Mr. Tucker,
Mr. Turner,

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The House excused Mr. Gregory from voting, and the question recurring upon Mr. Spencer's motion, it was adopted.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to amend section six, chapter one, title four, part one of the revised statutes, relative to the election of justices of the peace."

WILLIAM WOODBRIDGE.

Executive Office, February 28, 1840.

Also, the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Saturday, February 29, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House of Representatives a joint resolution relative to the claim of Joel Clemens, and to inform the House that the Senate have passed the same with an amendment, in which the concurrence of the House is respectfully asked.

D. W. KELLOGG,

Secretary of the Senate.

And on motion of Mr. Hammond,

The House concurred in the amendment made by the Senate to said resolution and passed the same accordingly.

On motion of Mr. Underwood,

The House adjourned until Monday morning.

Monday, March, 2, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Smith.

The roll being called, there were absent without leave, Messrs. Moran and McReynolds.

PETITIONS.

Mr. Champlin presented the claim of P. R. Adams, for services rendered the state, against the Ohio commissioners on the disputed territory, in 1835. Referred to the committee on claims.

By Mr. Hart. Of sundry free colored inhabitants of the state, requesting an alteration of the constitution, giving them the rights and privileges of freemen. Referred to the select committee on that subject.

Also, the petition of sundry citizens of Livingston county, requesting an act to be passed, granting trial by jury to the colored inhabitants of this state. Referred to the select committee on that subject.

Mr. McClelland presented a petition from sundry citizens of Monroe, praying for the passage of an act prohibiting the killing of muskrats during certain months in the year. Referred to the committee on agriculture and manufactures.

By Mr. Speaker. Of Joshua Allen and others, inhabitants of Jackson county, praying for the repeal of the law establishing a board of county commissioners. Referred to the committee on the judiciary.

Mr. Lathrop presented two claims of Samuel H. Kimball being two promissory notes of B. Porter, alledged to have been, given for labor done on account of state prison, for 1838. Referred to the committee on the judiciary.

REPORTS.

Mr. Pierce, from the committee on agriculture, to whom was referred "A bill to amend chapter two, title four, part three of the revised statutes, in relation to millers," reported adverse to the passage of said bill; the committee were discharged from its further consideration, the report was ordered to lie

upon the table, and the bill referred to the committee of the whole, and placed upon the general order.

Mr. Bell from the committee on enrolment, reported as correctly enrolled, "A. joint resolution relative to the claims of Joel Clemens."

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the Senate bill "to facilitate and render less expensive the collection of claims against corporations," &c., reported the same back to the House, and the committee were, upon request, discharged from its further consideration; and,

On motion of Mr. Harbaugh,

The same was referred to the select committee on those banks that have passed into the hands of receivers.

Mr. Pierce, from the select committee, to whom was referred a "Bill to provide for the organization of courts of special sessions," &c., reported the same back with sundry amendments; upon request, the committee was discharged from the further consideration of said bill, and the same was referred to the committee of the whole, and placed upon the general order.

Mr. Bell, from the select committee, to whom was referred a "Bill to provide for the sale of certain lands to the settlers thereon, and for other purposes," reported the same back to the House with sundry amendments; and,

On motion of Mr. Bell, the bill was laid upon the table.

Mr. Backus, from the committee on the judiciary, to whom was referred a "Bill to define the eastern and southern boundaries of the township of Dearborn, Wayne county," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Saturday, February 29, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, for the concurrence of the House,

a "Bill for the relief of the administrators of N. Wells, deceased," and a "Bill for the relief of the bank of St. Clair," both of which the Senate have passed.

Also, I return herewith, with the concurrence of the Senate, the preamble and resolutions "relative to a bankrupt law," the "Bill for the relief of the first Presbyterian church and society of Adrian," and the "Bill to provide for the location of the present seat of justice of Van Buren county," &c.

Also, I am instructed by the Senate, to return the "Bill to provide for the removal of the seat of justice of the county of Ingham," &c, with amendments by the Senate, in which the concurrence of the House of Representatives is requested.

And further, I am instructed to inform you that the Senate have not concurred in the amendments by the House to the "Bill to amend part four, title one, and chapter four of the revised statutes, and for other purposes," but that the Senate have appointed a committee of conference on said bill, and respectfully ask the appointment of a like committee on the part of the House.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill for the relief of the administrators of the estate of N. Wells, deceased," was read the first and second times and referred to the committee on the judiciary.

The "Bill for the relief of the bank of St. Clair," was read the first and second times and referred to the committee on banks and incorporations.

And the House concurred in the amendments made to the "Bill to provide for the removal of the seat of justice of the county of Ingham, to the village of Mason," and the bill was ordered enrolled.

On motion of Mr. Harbaugh,

The Chair appointed as a committee of conference on the part of the House, on the "Bill to amend part four, title first, chapter four of the revised statutes, and for other purposes," Messrs. Harbaugh, Hart and Walker.

Mr. Hammond, pursuant to previous notice, introduced a

"Bill to amend part three, title two, chapter five of the revised statutes, entitled 'of juries,' " which was read the first and second times and referred to the committee on the judiciary.

Mr. Backus, pursuant to previous notice, introduced a "Bill to establish the boundary lines of the township of Springwells," which was read the first and second times and referred to the committee on the judiciary.

On motion of Mr. McClelland,

Resolved, That the board of internal improvement be requested to report to this House as soon as practicable, whether any communication has been received by said board or any of the commissioners, from the Ohio or Maumee branch railroad company, in regard to the Havre branch railroad; also, the distances from Monroe to Havre and from Havre to Manhattan, in Ohio, and if they have the necessary information, how much of the Maumee branch railroad is contracted and what is the prospect of its completion.

On motion of Mr. Hammond,

The House resolved itself into a committee of the whole, on House bill number twenty-eight, "to prescribe the powers and duties of justices of the peace," Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, and, on motion, the amendments were concurred in, collectively.

The same being under consideration,

Mr. McClelland offered an additional section to the bill, pending which,

On motion of Mr. Backus, the bill was laid upon the table.

On motion of Mr. Backus, the House went into committee of the whole, on House bill number fifty-nine, "to regulate the terms of the supreme and circuit courts, and for other purposes," Mr. Gregory in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments; which were concurred in, except the amendment in the fifth section; and,

On motion of Mr. Hammond,

The bill was re-committed to the committee on the judiciary with instructions to report the same back to the House to-morrow morning.

On motion of Mr. Harbaugh,

The House took up for consideration the substitute for Senate bill number twenty-nine, "to authorize the anticipation of certain instalments of the five million loan;" and, on his motion,

The same was made the special order for Wednesday next.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled,

"An act to provide for the collection of delinquent taxes in the county of Ottawa, and for other purposes."

On motion of Mr. Tucker,

The committee of the whole were discharged from the further consideration of House bill number seventy-nine, "to extend the time for building the St. Clair and Romeo railroad;" and, on his motion, the House took up the same for consideration.

Mr. Tucker offered the following amendment, to come in at the end of the first section, which was adopted:

"And the rights, powers and privileges of said corporation shall be continued to them the same as if said road had been completed within the time prescribed in their charter."

The bill was then ordered engrossed for a third reading.

On motion of Mr. Tucker,

The rule was suspended, and the bill read a third time and passed, by the following vote:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Brown,
Mr. Bush,
Mr. Carr,

Mr. Coleman,
Mr. Davis,
Mr. Dunham,
Mr. Foote,
Mr. Forbes,
Mr. Fuller,
Mr. Gregory,
Mr. Hammd,
Mr. Hart,

Mr. LeBaron,
Mr. Lathrop,
Mr. McClelland,
Mr. McDonald,
Mr. Miller,
Mr. Mulhollan,
Mr. Newton,
Mr. Sanborn,
Mr. Sprague,

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| Mr. Castle, | Mr. Harbaugh, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. Johnson, | Mr. Underwood, | |
| Mr. Champlin, | Mr. Kenny, | Mr. Walker, | |
| Mr. Cook, | Mr. Larue, | Mr. Speaker, | 39 |

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On motion of Mr. McClelland,

The committee of the whole were discharged from bill number eighty, "for the relief of the Monroe and Ypsilanti railroad company;" and, on his motion, the House took up the same for consideration.

Mr. McClelland offered the following amendment, to come in at the end of the first section, which was adopted:

"And the rights, powers and privileges of said corporation shall be continued to them the same as if said road had been completed within the time prescribed in their charter."

The bill was then ordered engrossed for a third reading.

On motion of Mr. McClelland,

The rule was suspended, and the bill read a third time and passed, by the following vote:

YEAS.

| | | | |
|---------------|---------------|-----------------|-----------|
| Mr. Ashman, | Mr. Coleman, | Mr. Lathrop, | |
| Mr. Axford, | Mr. Davis, | Mr. McClelland, | |
| Mr. Backus, | Mr. Dunham, | Mr. McDonald, | |
| Mr. Barbour, | Mr. Foote, | Mr. Miller, | |
| Mr. Bell, | Mr. Forbes, | Mr. Mulhollan, | |
| Mr. Bird, | Mr. Fuller, | Mr. Newton, | |
| Mr. Brown, | Mr. Gregory, | Mr. Sanborn, | |
| Mr. Bush, | Mr. Hammond, | Mr. Sprague, | |
| Mr. Carr, | Mr. Hart, | Mr. Tucker, | |
| Mr. Castle, | Mr. Harbaugh, | Mr. Underwood, | |
| Mr. Cathcart, | Mr. Johnson, | Mr. Walker, | |
| Mr. Champlin, | Mr. Kenny, | Mr. Williams, | |
| Mr. Cook, | Mr. Larue, | Mr. Speaker, | 39 |

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Mr. Brown asked and obtained leave of absence for himself for an indefinite period.

Mr. Brown moved to adjourn; which motion did not prevail.

Mr. Champlin moved to adjourn until half past two o'clock, P. M.

Mr. McClelland moved to adjourn until half past nine o'clock, to-morrow morning.

The question being taken on Mr. McClelland's motion, it did not prevail.

The question recurring upon adjourning until half past two o'clock,

Mr. Brown moved to adjourn until to-morrow morning, at nine o'clock, which motion prevailed, and

The House adjourned.

Tuesday, March 3, 1840.

The House met pursuant to adjournment.

The roll being called, there were absent, without leave, Messrs. Fuller and Spencer.

PETITIONS.

By Mr. Coleman. Of sundry inhabitants of the township of Keeler, Van Buren county, praying for the alteration of the name of said town. Referred to the committee on towns and counties.

REPORTS.

Mr. Backus, from the judiciary committee, to whom was referred "A bill to provide for the appraisement of property taken on execution, and for other purposes," reported adverse to the passage of said bill, which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the same committee, to whom was referred the petition of Robert Abbott, reported adverse to the prayer of the petitioner, and the committee were discharged from its further consideration.

Also, reported back without amendment, the "Bill to establish the boundary lines of the township of Springwells," which was referred to the committee of the whole and placed upon the general order.

Also, reported back without amendment, the Senate "Bill for the relief of the administrators of the estate of Nelson Wells, deceased," which was referred to the committee of the whole and placed upon the general order.

Also, reported back the petition of the inhabitants of the town of Marathon, Lapeer county, and the committee were discharged from the further consideration of the same, and,

On motion of Mr. Backus,

The petition was referred to the committee on towns and counties.

Also, reported back the claim of S. H. Kimball, and reported that the person who executed these claims, had no right to bind the state, and the committee were discharged from the further consideration of the same.

Mr. McClelland, from the judiciary committee, to whom had been referred the petition of sundry citizens of Calhoun county, praying for the enacting of a law for the more speedy collection of debts, reported, that no further legislation can, with propriety, be had in reference to the subject of the petition, and the committee were discharged from its further consideration.

Mr. McClelland, from the same committee, to whom was referred the "Bill to regulate the terms of the supreme and circuit courts, and for other purposes," reported the same back to the House, and recommended the striking out of the fifth section of said bill, and the same was referred to the committee of the whole and placed upon the general order.

Mr. Hammond, from the judiciary committee, to whom was referred the "Bill to amend part three, title two, chapter five of the revised statutes," reported the same back to the House without amendment, which was referred to the committee of the whole and placed upon the general order.

On motion of Mr. Larue,

Resolved, That the committee on the judiciary be instructed to inquire, and report by bill or otherwise, what alterations, if any, are necessary in the law touching replevin suits.

On motion of Mr. McClelland,

The House took up for consideration, the "Bill to prescribe the powers of justices of the peace in civil proceedings," and

Mr. McClelland moved to add to the bill, all the section of the act giving justices jurisdiction against corporations, excepting the fourth section, in lieu of the said fourth section the following:

"If the plaintiff, at the time of the commencement of the suit against an incorporation, shall have in his possession or under his control more promissory or bank notes or evidences of debt than he declares and obtains judgment for, and he afterwards procures or causes to be procured on the balance, or any part of the balance of the same, a judgment against such corporation, he shall not be entitled to recover costs on any but the first judgment rendered; and to ascertain the fact, the defendant may require the plaintiff or his agent, to make affidavit there-to. And if the amount so possessed by, or under the control of the plaintiff as aforesaid, exceed one hundred dollars, then said plaintiff shall be precluded from commencing suit before a justice of the peace. Any suit so commenced, shall be dismissed by the justice, with costs to the plaintiff."

Which amendment was adopted, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Axford, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Foote, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Forbes, | Mr. Newton, |
| Mr. Bell, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bird, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bush, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Underwood, |
| Mr. Cook, | Mr. McClelland, | Mr. Walker, |
| Mr. Coleman, | Mr. Miller, | Mr. Williams, |
| Mr. Davis, | | |

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| Mr. Button, | Mr. Harbaugh, | Mr. McDonald, |
| Mr. Carr, | Mr. Howard, | Mr. Sprague, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Hart, | Mr. Lathrop, | |

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And the said bill was ordered to be engrossed for a third reading.

On motion of Mr. Bell,

The House took up for consideration, the "Bill for the sale of certain lands to the settlers thereon, and for other purposes," and the amendment reported by the select committee being under consideration, the same were severally adopted.

The bill was then ordered engrossed for a third reading.

Mr. Hammond submitted the following, which was adopted:

Resolved, That the select committee to whom was referred a special message from the Executive, in reference to the remaining instalments of the five million loan, due from the Morris canal and banking company, be empowered to send for persons and papers.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Monday, March 2, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following bills, which the Senate have severally passed, and ask the concurrence of the House of Representatives, to wit:

A "Bill relative to filing oath of office, and bonds of certain civil officers."

A "Bill to amend chapter one, title four, part three of the revised statutes, of proceedings against debtors in attachment."

A "Bill further to amend an act entitled 'An act to incorporate the Grand Rapids bridge company.'"

A "Bill appointing commissioners to lay out and establish a state road from Gibraltar to Ypsilanti."

A "Bill to amend an act entitled 'An act to abolish imprisonment for debt, and punish fraudulent debtors.'"

Also, to return with amendments, the "Bill relative to the costs of prosecution in criminal cases," and the "Bill to amend chapter four, title three, part one of the revised statutes, relating to removals from office," both of which the Senate have passed, as amended, and respectfully ask the concurrence of the House therein.

Also, I am instructed to inform you, respectfully, that the

joint resolution from the House, relative to the appointment of a joint committee to investigate the condition and affairs of the branch of the Bank of Michigan, and the branch of the Farmers' and Mechanics' bank, has been rejected unanimously by the Senate.

D. W. KELLOGG,

Secretary of the Senate.

The "Bill relative to filing oaths of office and bonds of certain civil officers," was twice read and referred to the committee on the judiciary.

The "Bill to amend chapter one, title four and part three of the revised statutes, entitled 'of proceedings against debtors in attachment,'" was twice read and referred to the same committee.

The "Bill further to amend an act entitled 'An act to incorporate the Grand Rapids bridge company,'" was twice read and referred to the committee on banks and incorporations.

The "Bill appointing commissioners to lay out and establish a state road from Gibraltar to Ypsilanti," was read twice and referred to the committee on roads and bridges.

The "Bill to amend an act entitled 'An act to abolish imprisonment for debt and punish fraudulent debtors,'" was twice read and referred to the committee on the judiciary.

On motion of Mr. Backus,

The House concurred in the amendments made by the Senate to the "Bill relative to the costs of prosecutions in criminal cases."

And on his motion, the House also concurred in the amendments of the Senate to the "Bill to amend the revised statutes relating to 'removals from office.'"

The Speaker called Mr. Tucker to the chair.

On motion of Mr. Davis,

The committee of the whole was discharged from the further consideration of the "Bill to provide for settling with the Detroit and Pontiac railroad company, and for other purposes;" the same being under consideration,

Mr. Harbaugh moved to strike out all after the enacting clause, which motion, after much debate, was withdrawn.

Mr. Hammond moved to strike out the four first sections of said bill, and insert in lieu thereof, the following:

"That all the claims of the state against the Detroit and Pontiac railroad company be surrendered, and finally and fully cancelled, and that the Treasurer of this state be authorized and required to issue certificates of stock to said company, redeemable on the first day of July, 1843, to the amount of \$5,000, which stock shall bear an interest of six per cent, payable semi-annually, at the city of Detroit, upon the express condition: *And provided always*, That said company shall, within sixty days after the passage of this act, make out and transfer to the state, a good and perfect title of all and singular the rights and privileges, franchises and immunities, in and to said road, cars, engine and materials, of any kind whatsoever in the possession of the company, for the use or benefit of said road, or in any way connected therewith."

Mr. Speaker moved to amend the amendment by striking out all after the enacting clause of said bill, which motion prevailed by yeas and nays, as follows:

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Axford, | Mr. Gregory, | Mr. Newton, |
| Mr. Barbour, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Carr, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Underwood, |
| Mr. Cook, | Mr. Miller, | Mr. Walker, |
| Mr. Coleman, | Mr. Moran, | Mr. Speaker, |
| Mr. Forbes, | Mr. Mulhollan, | |

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NAYS.

| | | |
|---------------|--------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. McReynolds, |
| Mr. Bell, | Mr. Foote, | Mr. Sanborn, |
| Mr. Button, | Mr. Howard, | Mr. Tucker, |
| Mr. Castle, | Mr. Johnson, | Mr. Turner, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Williams, |
| Mr. Davis, | Mr. Lathrop, | |

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On motion of Mr. Champlin,

The enacting clause was laid upon the table, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. McReynolds, |
| Mr. Axford, | Mr. Gregory, | Mr. Newton, |
| Mr. Barbour, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bell, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Stockton, |
| Mr. Brown, | Mr. Howard, | Mr. Tucker, |
| Mr. Carr, | Mr. LeBaron, | Mr. Turner, |
| Mr. Castle, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Walker, |
| Mr. Champlin, | Mr. Miller, | Mr. Williams, |
| Mr. Cook, | Mr. Moran, | Mr. Speaker, |

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NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Bush, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Button, | Mr. Forbes, | Mr. Renwick, |
| Mr. Coleman, | Mr. Johnson, | Mr. Sprague, |
| Mr. Davis, | Mr. Kenny, | |

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Mr. Turner moved that the general orders be postponed; which motion did not prevail.

On motion of Mr. Harbaugh,

The House took up for consideration the "Bill for the regulation of internal improvement."

The question being upon ordering the bill engrossed.

On motion of Mr. Renwick, it was laid upon the table.

On motion of Mr. Lathrop, amended by Mr. Champlin,

The House resolved itself into committee of the whole, on House bill number fifty-eight, to amend "An act to provide for the government and discipline of the state prison at Jackson;" also, on bill number forty-eight, "to organize townships;" Mr. Castle in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with amendments, and the House concurred in the same.

And bill number fifty-eight being under consideration,

Mr. Sprague moved to amend the sixteenth section in the first line after the word "keepers," by inserting the words "and guards,"

Which was adopted, and the said bill was then ordered engrossed for a third reading.

And the "Bill to organize certain townships," being under consideration,

Mr. Champlin moved to amend by adding the following, which was adopted:

"Sec. 4. All that part of the county of Clinton, designated by the United States survey as township number eight north, of range one west be, and the same is hereby set off and organized into a separate township by the name of Sina; and the first township meeting shall be held at the school house, in school district number one, in said town."

"Sec. 5. All that part of the county of St. Joseph, designated by the United States survey as township number six south, of range eleven west be, and the same is hereby set off and organized into a separate township by the name of Lockport; and the first township meeting shall be held at the house of Solomon Cummings, in said township."

"Sec. 6. All that part of the county of Ingham, designated in the United States survey as township number three north, of range two east be, and the same is hereby set off and organized into a separate township, by the name of LeRoy; and the first township meeting shall be held at the house of Isaac Coleman, in said township."

Mr. Castle moved to further amend said bill by adding the following, which was adopted:

"Sec. 7. All that portion of the county of Clinton, designated in the United States survey, as township six north, of range one west be, and the same is hereby set off and organized into a township, by the name of Oak; and the first township meeting shall be held at the house of Jesse Samison, in said township."

"Sec. 8. And further, that the next township meeting, for the town of Ossowa, shall be held at the house of John Warfle, in said town."

"Sec. 9. All that portion of the county of Lapeer, situated and lying north of township number nine, in ranges number seven, eight, nine, ten, eleven and twelve east, together with all that portion of the county of Sanilac, which is now attached

to the county of Lapeer, for judicial and other purposes be, and the same is hereby set off and organized into a township by the name of Sterling, and the first township meeting shall be held at the house of Dennis Harrison in said township, and the same shall still be attached to the county of Lapeer."

On motion of Mr. Bell, the bill was laid upon the table.

On motion of Mr. McClelland,

The committee of the whole were discharged from the further consideration of House bill number twenty-seven, "to authorize the guardians of Ursula and Dorothy Cauchois, to convey certain real estate;" and on his motion, the House took up the same for consideration.

On motion of Mr. Harbaugh,

The rule was suspended, and the bill read a third time and passed.

On motion of Mr. Pierce,

The committee of the whole were discharged from the further consideration of bill number fifty, "to provide for the organization of courts of special sessions and to define their powers and duties," and,

On motion of Mr. Ashman,

The House adjourned until half past two o'clock.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, there was absent, without leave, Mr. Bell.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Tuesday, March 3, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, by direction of the Senate, a "Bill authorizing the erection of a dam across Flint river."

A "Bill for the relief of the River Rouge and River Ecorse bridge company."

A "Bill to authorize the building a dam across the Shiawassee river."

A "Bill to incorporate the Marshall mutual insurance company."

And am instructed to inform you that the Senate have severally passed the same, and respectfully ask the concurrence of the House of Representatives therein.

Also, I return herewith, the House "Bill to amend an act entitled 'An act to incorporate the city of Monroe,' " which the Senate have concurred in, and passed.

And further, I am instructed to inform you that the committee of conference on the part of the Senate appointed on the 29th ultimo, in relation to the disagreement between the two Houses, on the "Bill to amend part four, title first, chapter four of the revised statutes and for other purposes," consists of Senators Witherell, Drake and Hawkins.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill authorizing the erection of a dam across Flint river," and the "Bill for the relief of the River Rouge and River Ecorse bridge company," were severally read the first and second times, and referred to the committee on the judiciary.

The "Bill to authorize the building of a dam across the Shiawassee river," and the "Bill to incorporate the Marshall mutual insurance company," were severally read the first and second times, and referred to the committee on banks and incorporations.

On motion of Mr. McClelland,

The committee of the whole were discharged from House bill number fifty-nine, "to regulate the terms of the supreme and circuit courts and for other purposes," and on his motion, the House took up the same.

The bill being under consideration,

Mr. McClelland offered the following amendment, which was adopted:

"Sec. 5. The terms of the circuit court shall be held in the fourth circuit as follows: in Oakland county, on the second

Tuesday of September and March in each year; in Genesee, on the second Tuesday of February and July in each year; in Lapeer, on the first Tuesday of February and July in each year; in Saginaw, on the third Tuesday of February and July in each year; in Shiawassee, on the first Tuesday of May and October in each year; in Ionia, on the second Tuesday of May and October in each year; in Kent, on the third Tuesday of May and October in each year; in Ottawa, on the fourth Tuesday of May and October in each year, and in Clinton, on the first Friday of May and October in each year.

And the bill was ordered engrossed for a third reading.

On motion of Mr. Ashman,

The House took up for consideration, the "Bill to incorporate the Lake Superior fishing and mining company," and the same was ordered engrossed for a third reading.

On motion of Mr. Backus,

The committee of the whole was discharged from the "Bill to remise, release, and forever quit claim all the right, title and interest of the people of the state of Michigan, in and to lot numbered thirty-eight, in section number six, in the city of Detroit, state of Michigan, unto Emily Allan and Margaret Goodall," and on his motion, the House took up the same for consideration, and

On motion of Mr. Hammond, the rule was suspended, and the bill read a third time and passed.

On motion of Mr. Backus,

The House resolved itself into committee of the whole on House bill number forty-six, "to regulate and prescribe the amount of fees," Mr. Sanborn in the chair.

After spending some time thereon, the committee rose and reported the bill back to the House, and asked and obtained leave to sit again.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Tuesday, March 8, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return herewith, a

"Bill to provide for the payment of the services and expenses of the board of fund commissioners, created by an act entitled 'An act to establish the State bank of Michigan,' " which the Senate has passed with amendments, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,

Secretary of the Senate.

And the House concurred in the amendment made by the Senate, to the "Bill to provide for the payment of the services and expenses of the board of fund commissioners," and passed the bill accordingly.

On motion of Mr. Hammond,

The committee of the whole were discharged from the consideration of the Senate resolution relative to allowing the members and officers of both branches of the Legislature, copies of the laws of the present session, journals, &c., and, on his motion, the House took up the same; and,

On motion of Mr. Tucker,

The same was amended so as to include the journals and documents of 1837 and 1838, and the resolution as amended, was passed.

On motion of Mr. Ashman,

Resolved, That three hundred copies of Senate report number thirty-six, be printed for the use of the members of this House.

Mr. Spencer gave notice, that on some future day, he would ask leave to introduce a "Bill to reduce and limit the prices for printing for the State, and for other purposes;" the same being amendatory to the existing laws relative to a State Printer.

Mr. McReynolds called up the following preamble and joint resolution, which was submitted by him and laid upon the table, on the 29th of January last:

Whereas, The prices now paid for the printing of all laws and public documents, now being, or hereafter to be done, by virtue of the existing laws creating and providing for the duties of State Printer, is extravagant; and at much higher rates than is deemed full and ample compensation for the same: *And*

whereas, various and sundry reports and bills are now, and have been long before both Houses of this Legislature, without any definite action being had thereon, or any favorable prospects of an immediate action: *And whereas*, it is, and has been a well ascertained fact, that the present incumbent can well and truly execute such printing at a much lower rate than he is now being paid for the same: *And whereas*, strict principles of retrenchment and economy, as well as a due regard to the interests of this state, requires at our hands that some prompt measures be adopted to put a stop to the payment of the existing established extravagant prices, if not by definite action, at least temporarily, until such definite action can be had; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the prices paid, or to be paid, in all cases, for printing done, or to be done, for either House of this Legislature, as well as all other printing done for or in behalf of this state, shall not exceed fifty cents per thousand ems for composition, and fifty-two cents per token for press work, until otherwise ordered; and that all conflicting parts or features of any existing law in contravention of the provisions of this resolution be, and the same is hereby repealed.

Mr. Gregory moved to amend the resolution by striking out the word "two," so that it would read "fifty cents per token," &c., which amendment was accepted by Mr. Reynolds.

Mr. Hammond moved further to amend the resolution, by striking out the word "fifty," and insert in lieu thereof "forty," which was negatived by the following vote:

YEAS.

Mr. Bush,
Mr. Cathcart,
Mr. Cook,
Mr. Coleman,
Mr. Davis,
Mr. Hammond,

Mr. Kenny,
Mr. McClelland,
Mr. Moran,
Mr. Mulhollan,
Mr. Sanborn,

Mr. Stockton,
Mr. Tucker,
Mr. Turner,
Mr. Walker,
Mr. Williams,

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NAYS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,

Mr. Forbes,
Mr. Gregory,
Mr. Hart,

Mr. Miller,
Mr. McReynolds,
Mr. Pierce,

| | | |
|---------------|---------------|----------------|
| Mr. Bird, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Button, | Mr. Howard, | Mr. Spencer, |
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Underwood, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Foote, | Mr. McDonald, | 26 |

The question being upon the passage of the resolution, it was adopted, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. LeBaron, |
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, |
| Mr. Barbour, | Mr. Gregory, | Mr. Miller, |
| Mr. Bird, | Mr. Hart, | Mr. McReynolds, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Howard, | Mr. Spencer, |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, |
| Mr. Champlin, | Mr. Kenny, | Mr. Underwood, |
| Mr. Cook, | Mr. Larue, | Mr. Speaker, |
| | | 27 |

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Bush, | Mr. McClelland, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Moran, | Mr. Tucker, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Davis, | Mr. Renwick, | Mr. Walker, |
| Mr. Hammond, | Mr. Sanborn, | Mr. Williams, |
| | | 15 |

The question then being upon the adoption of the preamble, Mr. McReynolds withdrew the same.

On motion of Mr. Pierce,

The House took up for consideration the "Bill to organize a court of special sessions, and to define their powers and duties."

The amendments made by the select committee to the said bill were concurred in, and the same was ordered engrossed for a third reading.

On motion of Mr. McClelland, the House adjourned.

Wednesday, March 4, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Joseph Elliott, of Pontiac.

The roll being called, there was absent without leave, Mr. Spencer.

PETITIONS.

By Mr. Cathcart. Of sundry inhabitants of Mottville, St. Joseph county, praying for the alteration of the name of said town.

Also, a remonstrance against the alteration of the name of said town, which were severally referred to the committee on towns and counties.

Mr. Larue presented the claim of William S. Lee, for services as secretary of the joint committee, appointed to investigate the affairs of the banks in the city of Detroit. Referred to the committee on claims.

REPORTS.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the Senate bill "for the relief of the Bank of St. Clair;" also, the Senate bill "to amend an act, entitled 'An act to incorporate the Grand Rapids bridge company,'" reported the same back to the House without amendment; which were severally referred to the committee of the whole, and placed upon the general order.

Mr. Turner, from the joint committee to whom was referred that portion of the Governor's message, relative to petitioning Congress for a grant of land for the purpose of building a ship canal around the falls of Sault de Ste Marie, submitted a report thereon; which was ordered to lie upon the table and be printed.

(See House Document No. 48.)

Mr. Hammond, from the judiciary committee, to whom was referred the petition of Justus Gage, in reference to his acts as a justice of the peace, reported a bill, entitled a "Bill to legalize the official acts of justices of the peace;" which was read the first and second times, referred to the committee of the whole, and placed upon the general order.

Mr. Kenny, from the select committee, to whom was referred numerous petitions of the citizens of this state, praying that the Legislature would prohibit the running of cars on the Sabbath upon the railroads belonging to this state, submitted a report thereon, accompanied by the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That hereafter no locomotive, passenger or freight car, shall be run on any railroad belonging to this state, on the first day of the week, excepting such as may be necessary to carry into effect any contract now existing for transporting the mail on said road; which was referred to the committee of the whole.

And the report, on motion of Mr. Hammond, was laid upon the table and ordered printed.

(See House Document No. 49.)

Mr. Backus, from the judiciary committee, to whom was referred the Senate bill "to amend chapter one, title four, part three of the revised statutes, entitled 'of proceedings against debtors in attachment;'" also, the Senate bill "relative to filing oaths of office and bonds of certain civil officers," reported the same back to the House without amendment, and the same were severally referred to the committee of the whole and placed upon the general order.

Mr. Champlin, from the committee of conference, appointed on the part of the House, on the Senate bill "in relation to townships," reported that the committee recommend that the House insist on their amendment to the first section, and recede from the amendment made to the second section of said bill; and the report was adopted by the House.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled, "An act for the relief of the first Presbyterian church and society of the village of Adrian."

Also, "An act to provide for the removal of the seat of justice of the county of Ingham, to the village of Mason."

Also, the "preamble and resolutions relative to a bankrupt law."

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER, }
Wednesday, March 4, 1840. }

To the Speaker of the House of Representatives:

SIR—I return herewith, a bill "to amend part three, title two, chapter seven of the revised statutes," and a bill "to au-

thorize Joseph H. Kilborn to erect a dam across Red Cedar river," and am instructed to inform you that the Senate have passed both bills, with amendments to each, and respectfully ask the concurrence of the House of Representatives in the same.

D. W. KELLOGG,

Secretary of the Senate.

And the House concurred in the amendment made by the Senate to the bill "to amend part three, title two, chapter seven of the revised statutes," and passed the same.

And the "Bill to authorize Joseph H. Kilborn to erect a dam across the Red Cedar river," being under consideration.

On motion of Mr. Hammond, the same was laid upon the table.

Mr. Turner, on leave, and pursuant to previous notice, introduced a bill entitled "A bill compelling the banks in this state to resume specie payments, and for the better regulation of the same."

Mr. Turner moved that the bill be laid upon the table and printed.

On motion of Mr. Sprague, a division of the question was ordered.

The question being taken upon laying the bill upon the table, it prevailed, and the bill was laid upon the table.

The question being upon printing the bill, it did not prevail.

RESOLUTIONS.

On motion of Mr. Lathrop,

Resolved, That the Speaker direct the proper officer to see that the reports and documents, printed for the use of the members of this House, be equally distributed, and further, that they be so distributed at the earliest possible moment after they are printed.

Mr. Barbour laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives, That the circuit courts for the county of Eaton shall, after its next session, be held at the county site of said county: *Provided*, the county commissioners of said county shall judge that suit-

ble buildings are erected for the accommodation of said courts, and all writs and other processes returnable at the present place of holding the court, shall be returnable to, and proceeded in at the said county site, in the same manner and with like effect, as if said writ or other process had been made there returnable.

On motion of Mr. Hammond,

Resolved, That the committee on university and school lands be instructed to report on to-morrow morning, on the petition for reduction of the price of university and school lands.

On motion of Mr. Turner,

Resolved, That the printer for this House be directed to furnish, when requested so to do, to the author of any report or document, the proof-sheet of the same, or the printed copy or any portion of it he may have on hand.

The Chair announced a communication from the county clerk of Mackinac, relative to the number of causes before the court of said county.

Also, a communication from the county of Chippewa, on the same subject, which communications, on motion, were laid upon the table.

The House took up for a third reading, the bill "to regulate the terms of the supreme and circuit courts, and for other purposes," and the same was read a third time and passed.

The House then took up for a third reading, the bill "to provide for the government and discipline of the state prison at Jackson."

On motion of Mr. Lathrop,

The first blank in section eleven was filled with \$750 00, and the second blank in the same section was filled with \$500 00.

Mr. Lathrop moved to fill the third blank in the same section with \$550 00, which motion was negatived, by the following vote:

YEAS.

| | | |
|--------------|---------------|--------------|
| Mr. Backus, | Mr. Hart, | Mr. Lathrop, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Miller, |
| Mr. Bird, | Mr. Howard, | Mr. Sprague, |
| Mr. Carr, | Mr. Johnson, | Mr. Tucker, |
| Mr. Castle, | Mr. Larue, | Mr. Speaker, |
| Mr. Gregory, | Mr. LeBaron, | |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Coleman, | Mr. Newton, |
| Mr. Axford, | Mr. Davis, | Mr. Pierce, |
| Mr. Barbour, | Mr. Dunham, | Mr. Renwick, |
| Mr. Bush, | Mr. Foote, | Mr. Sanborn, |
| Mr. Button, | Mr. Hammond, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Cook, | Mr. McReynolds, | Mr. Williams, |

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Mr. Hammond moved to fill said blank with \$500 00, which motion prevailed.

Mr. McReynolds moved to fill the fourth blank in same section, with \$300 00, and,

On motion of Mr. Harbaugh, the said blank was filled with \$400 00.

The Speaker called Mr. LeBaron to the chair.

Mr. Champlin moved to lay the bill upon the table; which motion did not prevail.

Mr. Lathrop moved to fill the blank in the seventh line, same section, with \$100 00.

Mr. Tucker moved to amend the same by striking out the words "to the chaplain, per annum," which motion prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. McDonald, |
| Mr. Axford, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hammond, | Mr. Newton, |
| Mr. Bird, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Tucker, |
| Mr. Carr, | Mr. Howard, | Mr. Turner, |
| Mr. Cathcart, | Mr. Larue, | Mr. Walker, |
| Mr. Coleman, | Mr. McClelland, | |

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NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Backus, | Mr. Forbes, | Mr. Pierce, |
| Mr. Barbour, | Mr. Gregory, | Mr. Renwick, |
| Mr. Brown, | Mr. Johnson, | Mr. Sprague, |
| Mr. Button, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Castle, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Cook, | Mr. Miller, | Mr. Williams, |
| Mr. Davis, | Mr. Moran, | Mr. Speaker, |
| Mr. Foote, | | |

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Mr. Hammond moved to fill the blank with the words "to a teacher."

Mr. Bell moved to amend the same by adding the following: "whose duties shall be prescribed by the inspectors of the prison," which amendment was accepted by Mr. Hammond, and his amendment as amended, was then adopted.

On motion of Mr. Hammond, the following was inserted after the word "dollars," in the seventh line of the eleventh section; "to be paid out of the avails of the prisoners labor and fees received from visitors."

The Speaker resumed the chair.

And the bill as amended was passed, by the following vote:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Miller, |
| Mr. Backus, | Mr. Foote, | Mr. Newton, |
| Mr. Barbour, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bell, | Mr. Gregory, | Mr. Renwick, |
| Mr. Bird, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Brown, | Mr. Hart, | Mr. Sprague, |
| Mr. Button, | Mr. Johnson, | Mr. Stockton, |
| Mr. Carr, | Mr. Larue, | Mr. Turner, |
| Mr. Castle, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Williams, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |
| Mr. Davis, | | |

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NAYS.

| | | |
|--------------|-----------------|-------------|
| Mr. Axford, | Mr. McClelland, | Mr. Tucker, |
| Mr. Coleman, | Mr. Mulholland, | Mr. Walker, |
| Mr. Fuller, | Mr. McReynolds, | |

8

The "Bill to provide for the sale of certain lands to the settlers thereon, and for other purposes," was taken up and read a third time, and the question being upon the passage of the bill, Mr. Fuller offered the following as an additional section:

"Sec. 19. No lands by this act authorized to be sold, shall be sold for a less price than twelve dollars per acre."

Which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|-------------|---------------|--------------|
| Mr. Bird, | Mr. Fuller, | Mr. Renwick, |
| Mr. Button, | Mr. Gregory, | Mr. Sanborn, |
| Mr. Carr, | Mr. McDonald, | Mr. Sprague, |

Mr. Foote,
Mr. Forbes,

Mr. McReynolds,
Mr. Pierce,

Mr. Underwood,
14

NAYS.

Mr. Ashman,
Mr. Axford,
Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Bush,
Mr. Brown,
Mr. Castle,
Mr. Cathcart,
Mr. Cook,

Mr. Coleman,
Mr. Dunham,
Mr. Hammond,
Mr. Hart,
Mr. Harbaugh,
Mr. Johnson,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,
Mr. McClelland,

Mr. Miller,
Mr. Moran,
Mr. Mulhollan,
Mr. Newton,
Mr. Stockton,
Mr. Tucker,
Mr. Turner,
Mr. Walker,
Mr. Williams,
Mr. Speaker, 30

Mr. Gregory moved to adjourn, which motion was lost.

Mr. Barbour moved that the House adjourn until half past two o'clock, P. M., which motion was also negatived by the following vote:

YEAS.

Mr. Backus,
Mr. Barbour,
Mr. Castle,
Mr. Foote,
Mr. Forbes,

Mr. Fuller,
Mr. Gregory,
Mr. Harbaugh,
Mr. Johnson,
Mr. Lathrop,

Mr. McReynolds,
Mr. Sanborn,
Mr. Sprague,
Mr. Underwood,
14

NAYS.

Mr. Ashman,
Mr. Axford,
Mr. Bell,
Mr. Bird,
Mr. Brown,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Cathcart,
Mr. Champlin,
Mr. Cook,

Mr. Coleman,
Mr. Dunham,
Mr. Hammond,
Mr. Hart,
Mr. Larue,
Mr. LeBaron,
Mr. McClelland,
Mr. McDonald,
Mr. Miller,
Mr. Moran,

Mr. Mulhollan,
Mr. Newton,
Mr. Pierce,
Mr. Renwick,
Mr. Stockton,
Mr. Tucker,
Mr. Turner,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

31

Mr. Fuller then offered the following amendment to said bill, which was rejected: "no lands by this act authorized to be sold, shall be sold for a less price than eight dollars per acre."

On motion of Mr. Fuller,

The following was adopted as an additional section to said bill, to stand as section nineteen:

"Sec. 19. No person shall be entitled to the benefits of this act, who may have settled on the university or state building lands, if it shall be made to appear to the commissioner, that previous to making such settlement, he had been forewarned by the state authorities that the state would select the lands on which he may have settled."

The question recurring upon the passage of the bill, the same was passed by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Cook, | Mr. McClelland, |
| Mr. Axford, | Mr. Coleman, | Mr. Miller, |
| Mr. Backus, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Hart, | Mr. Stockton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Tucker, |
| Mr. Bush, | Mr. Johnson, | Mr. Turner, |
| Mr. Button, | Mr. Larue, | Mr. Walker, |
| Mr. Castle, | Mr. LeBaron, | Mr. Williams, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Champlin, | | |

31

NAYS.

| | | |
|-------------|-----------------|----------------|
| Mr. Bird, | Mr. Gregory, | Mr. Renwick, |
| Mr. Carr, | Mr. McDonald, | Mr. Sanborn, |
| Mr. Foote, | Mr. Moran, | Mr. Sprague, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Fuller, | Mr. Pierce, | |

14

The question being upon the adoption of the title,

Mr. Pierce offered the following as a substitute therefor:

"A bill to violate the constitution of this state, and to provide for the distribution of the most sacred fund of this state to speculators and shavers."

After much debate, Mr. Hammond called for the previous question.

And the question being "shall the main question be now put?" the same was decided in the affirmative.

The Speaker decided that the main question was upon Mr. Pierce's substitute, and the question being taken upon the same, it was negatived by the yeas and nays, as follows:

YEAS.

| | | |
|-------------|-------------|--------------|
| Mr. Carr, | Mr. Pierce, | Mr. Renwick, |
| Mr. Fuller, | | |

4

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Miller, |
| Mr. Axford, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Gregory, | Mr. Newton, |
| Mr. Bell, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bird, | Mr. Hart, | Mr. Sprague, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Stockton, |
| Mr. Bush, | Mr. Johnson, | Mr. Tucker, |
| Mr. Button, | Mr. Larue, | Mr. Turner, |
| Mr. Castle, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Walker, |
| Mr. Champlin, | Mr. McClelland, | Mr. Williams, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |
| Mr. Coleman, | | |

40

The question recurring upon the adoption of the title,

Mr. McReynolds moved to amend the same by adding the following: "contrary to the intent and meaning of a sacred trust."

Mr. Tucker moved the previous question, and, the question being, "shall the main question be now put?" the same was sustained.

The question then being upon Mr. McReynolds' amendment, it was not adopted.

The question again recurring upon the adoption of the title, the same prevailed.

Mr. Underwood moved that the House re-consider its vote of yesterday, striking out all after the enacting clause of the "Bill to provide for settling with the Detroit and Pontiac railroad company, and for other purposes."

On motion of Mr. Champlin, the motion to re-consider was laid upon the table.

On motion, the House adjourned.

Thursday, March 5, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Joseph Elliott, of Pontiac.

The roll being called, there were absent without leave Messrs. Howard, Moran and Spencer.

PETITIONS.

By Mr. Sanborn. Of sundry inhabitants of the county of Lapeer, praying for the abolishing of the law creating county commissioners, and praying for the re-establishment of a board of supervisors, to perform similar, or the same duties. Referred to the committee on ways and means.

REPORTS.

Mr. Brown, from the committee on claims, to whom was referred the petition of Jacob M. Grout, Elisha Robinson, Daniel Bull and others; also, the claim of the proprietors of the Cold Water Observer; of P. R. Adams, and of Elias P. Drake, praying relief, reported adverse to the allowance of their respective claims, and the committee were discharged from their further consideration.

Also, reported back the memorial of William Bronson and others, and of W. & I. Ford, and asked that they might be referred to the committee on internal improvement. And the same were so referred.

Mr. Champlin, from the committee on towns and counties, to whom was referred the petition of sundry inhabitants of the township of Mottville, praying for the alteration of the name of said town, also a remonstrance against the same, reported that the committee believe no legislative enactment is necessary in regard to said petition and remonstrance, and the committee were discharged from the further consideration of the same.

Mr. Champlin, from the committee on internal improvement, reported a bill entitled a "Bill making appropriations for internal improvements for the year 1840, and for other purposes," which was read the first and second times, referred to the committee of the whole and placed upon the general order.

Mr. Hammond, from the judiciary committee, to whom was referred the petition of sundry inhabitants of the township of Medina, Lenawee county, praying that the assessment of certain highway taxes may be legalized, reported that the prayer of the petitioners is already provided for by a law passed, and the committee were discharged from its further consideration.

Mr. Backus, from the judiciary committee, to whom was referred the Senate bill to amend an act entitled "An act to abolish imprisonment for debt and punish fraudulent debtors," also, a "Bill authorizing the erection of a dam across Flint river;" also, a "Bill for the relief of the River Rouge and River Ecorse bridge company," reported the same back to the House without amendment, and the same were severally referred to the committee of the whole, and placed upon the general order.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled "An act relative to the costs of prosecution in criminal cases."

Also, "An act to amend an act entitled 'An act to incorporate the city of Monroe.' "

Also, "An act to amend chapter four, title three, part first of the revised statutes, 'relative to removals from office.' "

Also, "An act to provide for the vacation of the present seat of justice of Van Buren county, and to remove the same to the village of Paw Paw, in said county."

Mr. Pierre, from the committee on agriculture, reported a bill entitled a "Bill to prevent the destruction of muskrats," which was read the first and second times, referred to the committee of the whole, and placed upon the general order.

Mr. Tucker, from the committee on the militia, to whom was referred the Senate substitute for House "Bill to amend an act to organize the militia," reported the same back to the House without amendment, and the same was referred to the committee of the whole and placed upon the general order.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the Senate "Bill to authorize the building of a dam across the Shiawassee river," and the Senate "Bill to incorporate the Marshall mutual insurance company," reported the same back to the House without amendment, and the same were referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the same committee, to whom was referred a petition of the members of the first Presbyterian society in the village of Adrian, reported a bill, entitled a "Bill

to change the name of the first Presbyterian church and society of the village of Adrian;" and the same was read the first and second times, referred to the committee of the whole, and placed upon the general order.

Mr. Bush, pursuant to previous notice, introduced a "Bill to provide for the return and collection of taxes;" which was read the first and second times, and referred to the committee on the judiciary.

Mr. Castle, on leave, and pursuant to previous notice, introduced a bill, entitled "A bill relative to the northern railroad;" which was read the first and second times, and referred to the committee on internal improvement.

The Chair announced the following message from the Executive:

To the House of Representatives :

I have this day approved, signed and deposited in the office of the Secretary of State, a "Joint resolution in relation to the claims of Joel Clemens."

WILLIAM WOODBRIDGE.

Executive Office, March 4, 1840.

RESOLUTIONS AND NOTICES.

On motion, of Mr. Barbour,

Resolved, That this House will hereafter hold two sessions each day, to commence at 10 o'clock A. M. and at half past 2 P. M., until the Legislature adjourn, or until otherwise ordered.

On motion of Mr. Underwood,

Resolved, That Alexander G. Abell be employed as assistant enrolling clerk to this House, at a compensation of two dollars per day.

On motion of Mr. Foote,

Resolved, That the judiciary committee be instructed to inquire whether the existing laws of this state sufficiently provides for the protection of the bail of persons under bonds, for their appearance at court upon trial for a criminal offence, and to report by bill or otherwise.

Mr. Hammond gave notice, that at some future day, he will

ask leave to bring in a bill to reduce the minimum price of university and school lands.

Mr. Larue moved that the House re-consider its vote of yesterday, on the motion to print the bill introduced by Mr. Turner; which motion prevailed.

Mr. Turner moved that the bill be referred to a select committee of three.

Mr. Harbaugh moved to amend the motion by referring it to the committee on the judiciary; which motion did not prevail.

The question recurring upon Mr. Turner's motion,

Mr. Hammond moved to amend the same, by referring the bill to the committee on banks and incorporations.

Mr. Backus moved to amend the amendment, by referring the bill to the committee on the militia.

The question being taken upon Mr. Backus' motion, it was lost, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|---------------|
| Mr. Backus, | Mr. Carr, | Mr. Johnson, |
| Mr. Barbour, | Mr. Cook, | Mr. McDonald, |
| Mr. Bird, | Mr. Davis, | Mr. Newton, |
| Mr. Brown, | Mr. Foote, | Mr. Sprague, |
| Mr. Button, | Mr. Harbaugh, | |

14

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Pierce, |
| Mr. Axford, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bell, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bush, | Mr. Kenny, | Mr. Stockton, |
| Mr. Castle, | Mr. Larue, | Mr. Tucker, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, |
| Mr. Coleman, | Mr. Miller, | Mr. Walker, |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Fuller, | Mr. McReynolds, | |

32

The question recurring upon referring the bill to the committee on banks and incorporations; pending which, upon the request of Mr. Turner,

Mr. Brown moved that he have leave to withdraw said bill; which motion prevailed.

The House then took up for a third reading, the "Bill to incorporate the Lake Superior fishing and mining company," and the same was read a third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Axford, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Bush, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Larue, | Mr. Sprague, |
| Mr. Castle, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. McDonald, | Mr. Walker, |
| Mr. Cook, | Mr. Miller, | Mr. Williams, |
| Mr. Davis, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Foote, | | |

34

NAYS.

| | | |
|-------------|------------|---|
| Mr. Fuller, | Mr. Kenny, | 2 |
|-------------|------------|---|

The House then took up for a third reading, the "Bill to organize a court of special sessions, and to define their powers and duties," and the same was read a third time and passed.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Wednesday, March 4, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, for the concurrence of the House, "A bill to provide for the immediate effect of an act entitled 'An act to provide for a district court in the county of Wayne,'" and,

"A bill to amend an act entitled, 'An act to provide for the laying out and establishing certain state roads, passed April 18, 1839,'" both of which the Senate have passed.

Also, I return herewith, the Senate joint resolution, relative to furnishing the members and officers of this Legislature with certain documents, &c., which the Senate have passed, with an amendment, to the House amendment, and respectfully ask the concurrence of the House.

Also, I am instructed to inform you that the Senate have

concurred in and adopted the report of the committee of conference, on the bill in relation to townships, and passed the bill accordingly.

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to provide for the immediate effect of an act entitled, 'An act to provide for a district court in the county of Wayne,' " was read the first and second times and referred to the committee on the judiciary.

The "Bill to amend an act entitled 'An act to provide for the laying out and establishing certain state roads, passed April 18, 1839,' " was read the first and second times and referred to the committee on roads and bridges.

And the House concurred in the amendment made by the Senate, to the amendment of the House to the joint resolution relative to furnishing laws, journals, &c., to officers and members of the present Legislature.

The House then took up for consideration the "Bill to prescribe the powers and duties of justices of the peace in civil proceedings," and the same was read a third time and passed.

The Chair announced as the special order of the day, the substitute for Senate bill number twenty-nine, "to authorize the anticipation of certain instalments of the five million loan," and,

On motion of Mr. Harbaugh,

The House resolved itself into committee of the whole on said bill, Mr. Hammond in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by the House.

The bill being under consideration,

Mr. Pierce moved to amend the same by striking out in the sixth and seventh lines of section four, the word "February," and inserting in lieu thereof "December."

Mr. Castle moved to amend the amendment by inserting "January," in lieu of "February," which was accepted by Mr. Pierce.

The question being taken on the amendment as amended, it did not prevail.

Mr. McClelland offered the following additional sections to come in between sections nine and ten.

"Sec. 10. Each and every stockholder in either of said banks, shall be individually and separately liable for each and every valid claim against the bank of which he is a stockholder; and the order in which such liability shall exist shall be as follows, to wit:

"1. All the corporate property, assets and effects of the bank shall be fully exhausted before the claims be recoverable by operations of law against the individual and private estate and property of the officers, (if they are stockholders,) directors and stockholders, and,

"2. On such property, assets and effects being exhausted, and found insufficient to pay all the claims and demands, then the private property of each and every officer, being a stockholder, and director of such bank shall be liable; and,

"3. If, on the entire exhaustion of all the effects, property and estate of such officers and directors, any valid claim still exist against any such bank, then the private estate and effects of the other stockholders in any such bank shall be liable to the payment thereof, as joint partners or debtors, but in no event shall the private estate and effects of the last mentioned stockholders be liable to contribute for re-imbursing the officers and directors for any payment made on their aforesaid liability."

"Sec. 11. Neither of said banks or branches shall hereafter issue or use for circulation, any post notes, nor shall either of them make notes or bills or other obligations, intended, issued or used for circulation, payable at any other than the bank making and issuing the same, nor unless said notes, bills or other obligation be signed and executed by the officers and issued at the counter of the bank or branch at which they purport to be payable."

Which were rejected by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Axford, | Mr. McClelland, | Mr. Sprague, |
| Mr. Bell, | Mr. McDonald, | Mr. Stockton, |
| Mr. Bush, | Mr. Moran, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Coleman, | Mr. Pierce, | Mr. Walker, |
| Mr. Davis, | Mr. Renwick, | Mr. Williams, |
| Mr. Dunham, | | |

22

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Backus, | Mr. Cook, | Mr. Kenny, |
| Mr. Barbour, | Mr. Foote, | Mr. Larue, |
| Mr. Bird, | Mr. Forbes, | Mr. LeBaron, |
| Mr. Brown, | Mr. Fuller, | Mr. Lathrop, |
| Mr. Button, | Mr. Gregory, | Mr. Miller, |
| Mr. Carr, | Mr. Hart, | Mr. Newton, |
| Mr. Castle, | Mr. Harbaugh, | Mr. Underwood, |
| Mr. Champlin, | Mr. Johnson, | Mr. Speaker, |

24

Mr. Turner moved to strike out of the bill all after the enacting clause, and offered a substitute therefor, which was read by the Clerk.

The question being upon striking out and adopting the substitute,

On motion of Mr. Champlin, a division of the question was ordered.

The question being upon striking out, it was negatived by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. Moran, | Mr. Walker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Dunham, | | |

13

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. Lathrop, |
| Mr. Backus, | Mr. Foote, | Mr. Miller, |
| Mr. Barbour, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Bird, | Mr. Fuller, | Mr. Newton, |
| Mr. Brown, | Mr. Gregory, | Mr. Pierce, |
| Mr. Button, | Mr. Hart, | Mr. Renwick, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, |

| | | | |
|---------------|--------------|--------------|----|
| Mr. Champlin, | Mr. Kenny, | Mr. Tucker, | |
| Mr. Cook, | Mr. Larue, | Mr. Speaker, | |
| Mr. Coleman, | Mr. LeBaron, | | 32 |

Mr. McClelland moved to amend said bill by striking out of section five, all after the word "provided," in fourth line.

Which was lost by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Axford, | Mr. Davis, | Mr. Renwick, | |
| Mr. Bell, | Mr. Dunham, | Mr. Stockton, | |
| Mr. Bird, | Mr. Hammond, | Mr. Tucker, | |
| Mr. Bush, | Mr. Larue, | Mr. Turner, | |
| Mr. Carr, | Mr. McClelland, | Mr. Walker, | |
| Mr. Cathcart, | Mr. Moran, | Mr. Williams, | |
| Mr. Coleman, | Mr. Mulhollan, | | 20 |

NAYS.

| | | | |
|---------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, | |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Gregory, | Mr. Newton, | |
| Mr. Brown, | Mr. Hart, | Mr. Pierce, | |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, | |
| Mr. Castle, | Mr. LeBaron, | Mr. Sprague, | |
| Mr. Champlin, | Mr. Lathrop, | Mr. Speaker, | |
| Mr. Cook, | Mr. McDonald, | | 23 |

Mr. Backus moved to amend the fifth section in the fourth line, by striking out all after the word "previous," and insert in lieu thereof, the words "to such setoffs being pleaded;" which amendment prevailed.

Mr. Bush offered the following amendment, to be inserted between sections nine and ten:

"Sec. 10. *And be it further enacted,* That all suits brought against individuals by said banks, shall be discontinued, and said banks shall not be permitted to bring suits against any of their debtors, during the continuance of such suspension, hereby authorized."

"Sec. 11. *And be it further enacted,* That no civil process shall be issued by any civil tribunal in this state, to recover any debt or demand due and owing by any citizen of this state, during said suspension hereby authorized."

Mr. Lathrop moved to amend the amendment, by adding the following, which was not adopted:

"*Provided*, any person so owing shall propose to pay such debt by specie or drafts on New York, at two per cent."

The question recurring upon the adoption of the amendment offered by Mr. Bush,

Mr. Renwick moved to amend the same by adding the following, which was not adopted:

"*And provided further*, That all such debtors are hereby absolved from all their liabilities to said banks, for the payment of any moneys due to them."

The question again recurring upon the adoption of the amendment offered by Mr. Bush, the same was negatived, by the following vote:

YEAS.

| | | |
|-------------|-----------------|----------------|
| Mr. Bell, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Bush, | Mr. McClelland, | Mr. Turner, |
| Mr. Dunham, | Mr. Moran, | Mr. Walker, |

9

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. Miller, |
| Mr. Axford, | Mr. Foote, | Mr. McReynolds, |
| Mr. Backus, | Mr. Fuller, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. Larue, | Mr. Stockton, |
| Mr. Castle, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Williams, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |
| Mr. Coleman, | | |

34

On motion of Mr. Hammond, the House adjourned until half past two o'clock, P. M.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, there were absent without leave, Messrs. Spencer and Steele.

Mr. Bush asked and obtained leave of absence for Mr. Steele for an indefinite period.

The "Bill to authorize the anticipation of certain instalments of the five million loan," being yet under consideration.

Mr. Bell moved the following amendment to come in after

the word "time," in the seventh line of the eighth section; "and it shall be optional with the holder of any bill, note, or other evidence of indebtedness of said banks, to receive payment thereof either in specie or drafts as aforesaid," which amendment was lost by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Axford, | Mr. Dunham, | Mr. Stockton, | |
| Mr. Bell, | Mr. Hammond, | Mr. Turner, | |
| Mr. Bush, | Mr. McClelland, | Mr. Walker, | |
| Mr. Cathcart, | Mr. Mulhollan, | | 11 |

NAYS.

| | | | |
|--------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Davis, | Mr. LeBaron, | |
| Mr. Backus, | Mr. Foote, | Mr. Lathrop, | |
| Mr. Barbour, | Mr. Forbes, | Mr. McDonald, | |
| Mr. Bird, | Mr. Gregory, | Mr. Miller, | |
| Mr. Brown, | Mr. Hart, | Mr. McReynolds, | |
| Mr. Button, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Carr, | Mr. Johnson, | Mr. Underwood, | |
| Mr. Cook, | Mr. Kenny, | Mr. Speaker, | |
| Mr. Coleman, | Mr. Larue, | | 26 |

Mr. Hammond moved the following amendment to the same section, to be inserted after the words "on time," in the seventh line; "*Provided*, That the bank shall draw said drafts on such time as shall be stipulated by the individuals assenting to receive them," which amendment did not prevail.

Mr. Bell moved to amend the sixth section by adding the following; "*Provided*, That said circulation shall at no time exceed twice the amount of specie which said banks respectively shall own and have within their vaults;" which amendment was lost by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Axford, | Mr. Dunham, | Mr. Stockton, | |
| Mr. Bell, | Mr. Hammond, | Mr. Turner, | |
| Mr. Bush, | Mr. McClelland, | Mr. Walker, | |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, | 12 |

NAYS.

| | | | |
|--------------|--------------|-----------------|--|
| Mr. Ashman, | Mr. Davis, | Mr. LeBaron, | |
| Mr. Backus, | Mr. Foote, | Mr. Lathrop, | |
| Mr. Barbour, | Mr. Forbes, | Mr. McDonald, | |
| Mr. Bird, | Mr. Fuller, | Mr. Miller, | |
| Mr. Brown, | Mr. Gregory, | Mr. McReynolds, | |

| | | |
|--------------|---------------|-----------------|
| Mr. Button, | Mr. Hart, | Mr. Newton, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Tucker, |
| Mr. Cook, | Mr. Kenny, | Mr. Underwood, |
| Mr. Coleman, | Mr. Larue, | Mr. Speaker, 30 |

Mr. Hammond moved to amend the tenth section, by inserting after the word "provided," in the thirteenth line, the following; "or has suffered any of its drafts so drawn, to be protested, either for non-acceptance, or non-payment;" which amendment was lost, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. Kenny, | Mr. Tucker, |
| Mr. Bush, | Mr. Larue, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Dunham, | | 16 |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. McDonald, |
| Mr. Backus, | Mr. Foote, | Mr. Miller, |
| Mr. Barbour, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Bird, | Mr. Fuller, | Mr. Newton, |
| Mr. Brown, | Mr. Gregory, | Mr. Pierce, |
| Mr. Button, | Mr. Hart, | Mr. Sanborn, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Underwood, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Cook, | Mr. Lathrop, | 29 |

Mr. Bell offered the following as an additional section to said bill, to be inserted between sections nine and ten:

"This act, and all other acts creating any such bank, or regulating the operations thereof, may at any time be altered, amended or repealed by a vote of two-thirds of each house of the legislature;" which was lost by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Coleman, | Mr. McDonald, |
| Mr. Bell, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Hammond, | Mr. Tucker, |
| Mr. Castle, | Mr. Larue, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| | | 15 |

NAYS.

| | | |
|-------------|-------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McReynolds, |
|-------------|-------------|-----------------|

Mar. 5.] HOUSE OF REPRESENTATIVES.**377**

| | | |
|---------------|---------------|----------------|
| Mr. Backus, | Mr. Fuller, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. Kenny, | Mr. Stockton, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. Lathrop, | Mr. Williams, |
| Mr. Davis, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | | 31 |

The bill was then ordered engrossed for a third reading, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McDonald, |
| Mr. Backus, | Mr. Forbes, | Mr. Miller, |
| Mr. Barbour, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Brown, | Mr. Hart, | Mr. Pierce, |
| Mr. Button, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Kenny, | Mr. Sprague, |
| Mr. Champlin, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Coleman, | Mr. Lathrop, | 32 |

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. Moran, | Mr. Walker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Dunham, | | 13 |

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Thursday, March 5, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return with their concurrence, the "Bill to extend the time for building the St. Clair and Romeo railroad."

Also, I herewith return the "Joint resolution relative to the prices for the public printing," with a substitute (bill) thereof, which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

Also, I am instructed to inform you that the Senate have not concurred in, nor adopted the report of the committee of conference on the bill to abolish the office of bank commissioners," &c., but that the Senate have appointed another committee of conference on said bill on their part, consisting of Messrs. Adam, Trowbridge and Bridge, and respectfully request the appointment of another committee on the part of the House.

D. W. KELLOGG,

Secretary of the Senate.

And the House adopted the substitute of the Senate, for the joint resolution, regulating the prices to be paid for the public printing."

Mr. Renwick, from the committee of conference on the part of the House, appointed to act with a similar committee on the part of the Senate, in relation to the existing disagreement on the "Bill to abolish the office of bank commissioners," &c., reported that in joint committee with the committee appointed on the part of the Senate, they agreed that the Senate do recede from their amendments.

On motion of Mr. Harbaugh,

A new committee of conference, in compliance with the request of the Senate, was appointed on the part of the House, to act in relation to existing disagreement on the "Bill to abolish the office of bank commissioners," &c.

And the Chair announced as such committee, Messrs. Harbaugh, Hammond and Underwood.

The House excused Mr. Hammond from serving as a member of said committee, and the Chair announced Mr. McClelland to fill the vacancy in said committee.

On motion of Mr. Tucker,

The committee of the whole were discharged from the further consideration of the Senate "Bill for the relief of the bank of St. Clair," and on his motion, the same was taken up for consideration.

The bill was then ordered engrossed for a third reading.

Upon the motion of Mr. Tucker, the rule was suspended, the bill then read a third time and passed.

Mr. Harbaugh moved that the substitute offered in the morning by Mr. Turner, to the bill authorizing the anticipation of certain instalments of the five million loan be not entered upon the journal; which motion prevailed, by the following vote:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Backus, | Mr. Forbes, | Mr. Miller, |
| Mr. Barbour, | Mr. Fuller, | Mr. Newton, |
| Mr. Button, | Mr. Hart, | Mr. Pierce, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Castle, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cook, | Mr. Larue, | Mr. Underwood, |
| Mr. Foote, | Mr. Lathrop, | Mr. Speaker, |

24

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Bell, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bird, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Cathcart, | Mr. McReynolds, | Mr. Williams, |

12

Mr. Tucker moved a re-consideration of the vote, which prevailed; Mr. Harbaugh then withdrew his motion,

When the Speaker announced, that from this expression of the House, he should order, that the substitute do not appear on the journal.

Mr. Tucker then withdrew his motion.

On motion the House adjourned.

Friday, March 6, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, there were absent without leave, Messrs. Howard and Spencer.

Mr. Hammond moved to strike out of the journal of yesterday, the words following:

"Mr. Turner moved to strike out of the bill all after the enacting clause, and offered a substitute therefor," and insert in lieu thereof, the following:

"Mr. Turner moved to strike out all after the enacting clause, and insert the following, as a substitute."

On motion of Mr. Tucker, a division of the question was ordered.

The question being taken, the House refused to strike out.

REPORTS.

Mr. McClelland, from the judiciary committee, to whom was referred the Senate bill "to provide for the immediate effect of an act, entitled 'An act to provide for a district court in the county of Wayne,'" reported the same back to the House without amendment, and the same was laid upon the table.

Mr. McReynolds, from the committee on education, to whom was referred the Senate bill "for the relief of certain school districts in the township of Parma, Jackson county," reported that from the information possessed by the committee, it appears that said laws were distributed according to the requirements of the act, and submitted in proof of that fact the certificate of H. C. Bunce, and the correspondence of J. D. Pierce, Superintendent of Public Instruction; which report, with the accompanying documents, was laid upon the table and printed.

(See *House Document No. 50.*)

Mr. Ashman, from the committee on roads and bridges, to whom was referred the Senate bill "appointing commissioners to lay out and establish a state road from Gibraltar to Ypsilanti," reported the same back to the House, and recommended that it be laid upon the table, as the same object is being provided for by a bill now before the House.

Mr. Ashman, from the committee to whom was referred the Senate bill "to amend an act, entitled 'An act to provide for the laying out and establishing certain state roads,'" passed April 18, 1839, reported the same back to the House with an amendment; which was referred to the committee of the whole and placed upon the general order.

Mr. Hammond, on leave, and pursuant to previous notice, introduced a bill, entitled a "Bill reducing the minimum price of university and school lands;" which was read the first and second times, and referred to the committee on the judiciary.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, March 5, 1840. }

To the Speaker of the House of Representatives :

SIR—I transmit herewith, for the concurrence of the House of Representatives,

A “Bill to provide for the foreclosure of mortgages by advertisement;”

A “Bill to amend a certain part of the revised statutes, entitled ‘of forcible entry and detainer;’”

A “Bill to amend the revised statutes, entitled ‘of primary schools;’”

All of which the Senate have respectfully passed.

Also, I am instructed to return, herewith, the “Bill to amend the revised statutes, relative ‘to the lien of mechanics and others;’” and to inform you that the Senate have concurred in, and passed the same.

D. W. KELLOGG,

Secretary of the Senate.

And the “Bill to provide for the foreclosure of mortgages by advertisement;” also, the “Bill to amend chapter five, title three, part three of the revised statutes, entitled ‘of forcible entry and detainer;’” were severally read the first and second times, and referred to the committee on the judiciary.

The “Bill to amend the revised statutes entitled ‘of primary schools;’” was read the first and second times, and referred to the committee on education.

The substitute for Senate bill number twenty-nine, entitled “A bill to authorize the anticipation of certain instalments of the five million loan,” being taken up for a third reading,

On motion of Mr. Sprague, the same was laid upon the table.

The House took up for a third reading, the bill “for the relief of the River Rouge and River Ecorce bridge company,” and,

On motion of Mr. Harbaugh, the same was laid upon the table.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the consideration of the "Senate bill for the relief of the administrators of the estate of Nelson Wells, deceased," and on his motion, the House took up the same for consideration.

The bill was ordered to a third reading, and,

On motion of Mr. Harbaugh,

The rule was suspended, and the bill read a third time and passed.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the Senate "Bill to authorize the building of a dam across the Shiawassee river," and on his motion, the same was taken up by the House for consideration, and the bill was ordered to a third reading.

On motion of Mr. Harbaugh,

The rule was suspended, the bill read a third time and passed.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the Senate bill "further to amend an act entitled 'An act to incorporate the Grand Rapids bridge company,'" and, on his motion, the same was taken up for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Bell,

The rule was suspended, the bill read a third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McDonald, |
| Mr. Bell, | Mr. Forbes, | Mr. Miller, |
| Mr. Bird, | Mr. Fuller, | Mr. Mulholland, |
| Mr. Bush, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Button, | Mr. Hammond, | Mr. Pierce, |
| Mr. Carr, | Mr. Hart, | Mr. Renwick, |
| Mr. Castle, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Stockton, |
| Mr. Champlin, | Mr. Larue, | Mr. Underwood, |
| Mr. Cook, | Mr. LeBaron, | Mr. Walker, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Williams, |
| Mr. Davis, | Mr. McClelland, | Mr. Speaker, |
| Mr. Dunham, | | |

37

NAYS.

0

On motion of Mr. Hammond,

The committee of the whole were discharged from Senate bill number forty, "to amend chapter one, title four, part three of the revised statutes, entitled 'of proceedings against debtors in attachment,'" and on his motion, the House took up the same for consideration.

The bill was ordered to a third reading.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from Senate bill number thirty-eight, "relative to filing oaths of office and bonds of certain civil officers,"

And on his motion, the House took up the same for consideration, and

The said bill was ordered to a third reading.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from Senate bill "authorizing the erection of a dam across Flint river,"

And on his motion, the House took up the same for consideration.

On motion of Mr. Harbaugh,

The rule was suspended and the bill read a third time and passed.

On motion of Mr. Sprague,

The committee of the whole were discharged from the consideration of Senate bill number thirty-four, substitute for Senate bill number thirty-two, "to extend the powers of county commissioners in certain cases, and to regulate appeals from their decisions," and,

And on his motion, the House took up the same for consideration, and the amendment made to said bill by the judiciary committee was adopted, and the bill ordered to a third reading.

On motion of Mr. McClelland,

The House took up for consideration the Senate bill "to provide for the immediate effect of an act entitled 'An act to provide for a district court in the county of Wayne,'" and the same was ordered to a third reading.

On motion of Mr. Harbaugh,

The rule was suspended, the bill read a third time and passed.

On motion of Mr. McClelland,

The committee of the whole were discharged, and on his

motion, the House took up Senate substitute for the House "Bill to amend an act to organize the militia," and the same was ordered to a third reading.

On motion of Mr. McReynolds,

The House resolved itself into committee of the whole on Senate bill "to incorporate the Marshall mutual insurance company," and "to provide for the laying out of a state road from the village of Schoolcraft, in the county of Kalamazoo, to the village of Albion, in the county of Calhoun," Mr. Bell in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House without amendment.

The "Bill to provide for the laying out a state road from the village of Schoolcraft, in the county of Kalamazoo, to the village of Albion, in Calhoun county," being under consideration,

Mr. Renwick moved to amend the same by striking out the ninth section of said bill, which motion prevailed, and the bill was ordered engrossed for a third reading.

The "Bill to incorporate the Marshall mutual insurance company," being under consideration,

On motion of Mr. Hammond, all after the word "note," was stricken out in the eighth section, and the bill was then ordered to a third reading.

On motion of Mr. Stockton,

The House took up for consideration the "Bill amendatory to an act entitled 'An act to incorporate the Macomb and Saginaw railroad company, and for other purposes,'" (having been read a third time) and the same was passed, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Backus,
Mr. Bell,
Mr. Bird,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Cook,

Mr. Coleman,
Mr. Dunham,
Mr. Foote,
Mr. Forbes,
Mr. Hammond,
Mr. Hart,
Mr. Harbaugh,
Mr. Johnson,
Mr. Kenny,

Mr. Larue,
Mr. LeBaron,
Mr. McClelland,
Mr. Moran,
Mr. McReynolds,
Mr. Newton,
Mr. Stockton,
Mr. Williams,
Mr. Speaker,

NAYS.

| | | |
|--------------|----------------|----------------|
| Mr. Barbour, | Mr. McDonald, | Mr. Renwick, |
| Mr. Bush, | Mr. Mulhollan, | Mr. Sprague, |
| Mr. Button, | Mr. Pierce, | Mr. Underwood, |
| Mr. Gregory, | | |

10

On motion of Mr. Barbour, the House adjourned.

Afternoon Session.

The House met at half past 2 o'clock, pursuant to adjournment.

And on calling the roll there were absent without leave, Messrs. Fuller, Howard, Sanborn and Spencer.

Mr. Castle asked for and obtained leave of absence for Mr. Sanborn, for one day.

On motion of Mr. Hammond,

The committee of the whole were discharged from the consideration of Senate bill "appointing commissioners to lay out and establish a state road from Gibraltar to Ypsilanti," and on his motion the House took up the same for consideration, and on his motion the said bill was laid upon the table.

On motion of Mr. McClelland,

The committee of the whole were discharged from the consideration of Senate bill "to amend an act entitled 'An act to provide for the laying out and establishing certain state roads,'" passed April 18, 1839, and

On his motion, the House took up the same for consideration, and concurred in the amendment made by the committee, on roads and bridges.

The bill was then ordered to a third reading.

On motion of Mr. Harbaugh, the rule was suspended, and the bill read a third time and passed.

On motion of Mr. Harbaugh, the committee of the whole were discharged from the further consideration of Senate bill "to incorporate the Port Sheldon land company;" and,

On his motion, the House took up the same for consideration.

On motion of Mr. McClelland, the bill was referred to the committee on the judiciary.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Friday, March 6, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the House bill “to prescribe the powers and duties of justices of the peace in civil proceedings,” with amendments by the Senate, which the Senate have passed as amended, and respectfully ask the concurrence of the House of Representatives therein.

Also, I transmit, herewith, for the concurrence of the House, the “Bill to grant certain privileges and exemptions to the firemen of the city of Detroit and others,” which the Senate have passed.

D. W. KELLOGG,
Secretary of the Senate.

And the “Bill to prescribe the powers of justices of the peace in civil proceedings,” was,

On motion of Mr. McClelland, laid upon the table.

The “Bill to grant certain privileges and exemptions to the firemen of the city of Detroit and others,” was read the first and second times, and referred to the committee on the judiciary.

On motion of Mr. Larue,

The committee of the whole were discharged from the consideration of the “Bill to reduce the number of members of township boards, and for other purposes;” and on his motion, the House took up the same for consideration; and, on his motion, said bill was referred to the select committee on the abolishment of offices.

On motion of Mr. LeBaron,

The House went into committee of the whole on House bill “to amend title four and five, part two of the revised statutes,” Mr. Tucker in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by the House.

The bill being under consideration,

Mr. Gregory moved to amend the seventh section, in third

line, by striking out the words "or any of them," and insert in lieu thereof, the words "or a majority of them," which was adopted, and the bill was then ordered engrossed for a third reading.

On motion of Mr. Backus,

The committee of the whole were discharged from the consideration of the "Bill to establish the boundary lines of the township of Springwells;" and on his motion, the same was taken up for consideration by the House, and ordered to a third reading; and on his motion, the rule was suspended, the bill read a third time and passed.

On motion of Mr. McClelland,

The House took up for consideration the "Bill to prescribe the powers and duties of justices of the peace in civil proceedings."

Mr. McClelland moved to strike out all after the enacting clause, and substitute therefor House bill number twenty-eight, which motion prevailed by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Axford, | Mr. Foote, | Mr. McReynolds, |
| Mr. Backus, | Mr. Forbes, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bell, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bird, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. McClelland, | Mr. Walker, |
| Mr. Coleman, | Mr. McDonald, | Mr. Williams, |
| Mr. Davis, | Mr. Miller, | Mr. Speaker, |
| Mr. Dunham, | Mr. Mulhollan, | |

38

NAYS.

| | | |
|-------------|-----------|---|
| Mr. Ashman, | Mr. Carr, | 2 |
|-------------|-----------|---|

On motion of Mr. Backus,

The House resolved itself into committee of the whole on the House bill "to prescribe the amount of fees;" Mr. Hart in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, asked and obtained leave to sit again.

was referred Senate bill, "to amend the third subdivision of section thirteen, part one, title two, chapter three of the revised statutes, entitled 'of primary schools,'" reported the same back to the House with sundry amendments; which were referred to the committee of the whole, and placed upon the general order.

Mr. Turner, from the select committee appointed to inquire into the present condition of the university of Michigan, and ascertain if any changes are necessary in order to insure its full and permanent success, submitted a report thereon; which, On motion of Mr. Champlin, was laid upon the table and ordered printed.

(See House Document No. 51.)

Mr. Miller, from the same committee, submitted a minority report on the same subject; which was likewise ordered to lie upon the table and be printed.

(See House Document No. 52.)

Mr. Champlin, on leave, and pursuant to previous notice, introduced a "Bill to incorporate the Jonesville railroad company," which was read the first and second times, and referred to the committee on banks and incorporations.

The House took up for a third reading, the Senate bill "relative to filing oaths of office, and bonds of certain civil officers;" the same being under consideration, Mr. Hammond offered the following amendment, to come in at the end of section five; which was adopted.

"*Provided*, That officers appointed in and for the counties of Mackinac and Chippewa, shall file their oaths as herein provided, within ninety days."

And the bill was then read a third time and passed.

The House then took up for a third reading the Senate bill "to amend chapter first, title four, part three of the revised statutes, entitled 'of proceedings against debtors in attachment,'" which was read the third time and passed.

The House then took up the Senate substitute for House bill "to amend an act to organize the militia," which was read the third time and passed.

The House took up for a third reading Senate bill num-

ber thirty-one, "to provide for the laying out a state road from the village of Schoolcraft in the county of Kalamazoo, to the village of Albion, in the county of Calhoun."

Mr. LeBaron offered an amendment to the title, which was adopted, and the bill then read a third time and passed.

The House then took up for a third reading Senate bill "to incorporate the Marshall mutual insurance company,"

And on motion of Mr. Hammond the seventh section of said bill was amended by striking out in the tenth line, the words "within thirty days," and inserting in lieu thereof, the words "at any time before losses shall arise under said policy."

Mr. Hart moved to further amend said bill by inserting in section six, line three, after the word "note," the words "with one or more endorsers," which was adopted.

Mr. LeBaron moved to further amend said bill by striking out in section eleven, line fifteen, the word "of," and inserting in lieu thereof, the words "the amount assessed upon," which was adopted, and the bill was then read the third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. McDonald, |
| Mr. Axford, | Mr. Dunham, | Mr. Moran, |
| Mr. Backus, | Mr. Forbes, | Mr. Mulholland, |
| Mr. Barbour, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bell, | Mr. Gregory, | Mr. Newton, |
| Mr. Bird, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bush, | Mr. Hart, | Mr. Renwick, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. Lathrop, | Mr. Williams, |
| Mr. Coleman, | Mr. McClelland, | Mr. Speaker, |

42

NAYS.

Mr. Miller,

1

The House then took up for a third reading the "Bill to extend the right of appeal from the decision of the court of chancery to the supreme court."

The bill being upon its final passage, was lost, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. McClelland, | Mr. Sanborn, |
| Mr. Bush, | Mr. Miller, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Hammond, | Mr. McReynolds, | 11 |

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Axford, | Mr. Davis, | Mr. LeBaron, |
| Mr. Backus, | Mr. Dunham, | Mr. Lathrop, |
| Mr. Barbour, | Mr. Forbes, | Mr. McDonald, |
| Mr. Bell, | Mr. Fuller, | Mr. Moran, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Button, | Mr. Hart, | Mr. Pierce, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, |
| Mr. Champlin, | Mr. Kenny, | Mr. Williams, |
| Mr. Cook, | Mr. Larue, | Mr. Speaker, |
| Mr. Coleman, | | 31 |

The House took up for a third reading the Senate bill "to extend the powers of county commissioners in certain cases, and to regulate appeals from their decisions," which was then read a third time and passed.

The House then took up for a third reading the substitute for Senate bill number twenty-nine, "to authorize the anticipation of certain instalments of the five million loan," which was read a third time, and the question being upon the passage of the bill,

Mr. Castle moved to lay the same upon the table, which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|---------------|
| Mr. Backus, | Mr. Larue, | Mr. Renwick, |
| Mr. Bell, | Mr. McDonald, | Mr. Sanborn, |
| Mr. Bush, | Mr. Moran, | Mr. Stockton, |
| Mr. Castle, | Mr. Newton, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Pierce, | 14 |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. LeBaron, |
| Mr. Axford, | Mr. Forbes, | Mr. Lathrop, |
| Mr. Barbour, | Mr. Fuller, | Mr. McClelland, |
| Mr. Bird, | Mr. Gregory, | Mr. Miller, |
| Mr. Button, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Carr, | Mr. Hart, | Mr. McReynolds, |
| Mr. Champlin, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Cook, | Mr. Johnson, | Mr. Williams, |

Mr. Coleman, Mr. Kenny, Mr. Speaker,
Mr. Davis, 28

The question recurring upon its passage,

On motion of Mr. McClelland, a call of the House was ordered, and the roll being called, there were absent without leave, Messrs. Foote, Howard, Ingalls, Turner and Underwood.

Mr. Harbaugh asked and obtained leave of absence for Mr. Howard.

Mr. Button for Mr. Foote, for one day.

On motion of Mr. McReynolds, the further proceedings under the call, were dispensed with.

The question again recurring upon the final passage of the bill, the same was passed by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. Lathrop, |
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bird, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Button, | Mr. Hart, | Mr. Newton, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Castle, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Kenny, | Mr. Sprague, |
| Mr. Cook, | Mr. Larue, | Mr. Tucker, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Speaker, 30 |

NAYS.

| | | |
|---------------|-----------------|------------------|
| Mr. Axford, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bush, | Mr. McClelland, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Moran, | Mr. Williams, 12 |

The Chair announced the following message from the Executive:

To the House of Representatives:

On the 4th day of March, instant, I approved, signed and deposited in the office of the Secretary of State, an act entitled,

1. "An act to provide for the payment of the board of fund commissioners, created by an act entitled 'An act to establish the State bank of Michigan.'"

2. And on this day, an act entitled "An act to amend an act entitled 'An act to incorporate the city of Monroc.'"

3. An act entitled "An act for the relief of the first Presbyterian church and society of the village of Adrian."

4. An act entitled "An act to provide for the vacation of the present seat of justice of Van Buren county, and to locate the same in the village of Paw Paw, in said county."

5. An act entitled "An act to amend chapter four, title three, part first of the revised statutes, 'relating to removals from office.'"

6. An act entitled "An act relative to the costs of prosecution in criminal cases."

7. An act entitled "An act to provide for the removal of the seat of justice of the county of Ingham, to the village of Mason."

8. An act entitled "An act to provide for the laying out and establishing certain state roads, and for other purposes."

9. An act entitled "An act to extend the time for building the St. Clair and Romeo railroad."

10. An act entitled "An act in relation to townships," and a "Preamble and joint resolution relative to a bankrupt law."

WILLIAM WOODBRIDGE.

Executive Office, March 6, 1840.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Friday, March 6, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Bill for the relief of the Monroe and Ypsilanti railroad company," and inform you, respectfully, that the Senate have passed the same.

Also, return herewith, the "Bill to authorize the guardian of Ursula and Dorothy Cauchois to convey certain real estate," with amendments by the Senate, in which the concurrence of the House is respectfully asked.

Also, I am instructed to inform you, that the Senate do not concur in the amendment by the House, to the Senate amendment, to the "Bill to prescribe the powers and duties of justices of the peace in civil proceedings;" and that a committee of

conference has been appointed on said bill on the part of the Senate, consisting of Messrs. Witherell, Edmunds and Murphy, and a like committee on the part of the House of Representatives is respectfully requested.

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the amendments made by the Senate to the "Bill to authorize the guardian of Ursula and Dorothy Cauchois to convey certain real estate."

On motion of Mr. McClelland,

A committee of conference was appointed to confer with a similar committee on the part of the Senate, relative to the "Bill to prescribe the powers and duties of justices of the peace in civil proceedings."

The Chair announced as such committee, Messrs. McClelland, Renwick and Hart.

The House then took up for a third reading, the "Bill to amend title four and five, part two of the revised statutes," which was then read a third time and passed.

Mr. Tucker, on leave, presented the memorial of the St. Clair and Romeo railroad company, asking for a loan from the state, which was referred to the committee on internal improvement.

On motion of Mr. Renwick,

The House took up for consideration the "Bill for the regulation of internal improvement."

Mr. Pierce moved to strike out the first section of said bill and insert in lieu thereof, the following:

"Sec. 1. That from and after the passage of this act, the board of internal improvement shall consist of the Treasurer of the State and Secretary of State, who shall be ex-officio members, and shall perform the duties required to be performed by this act, without any additional salary, traveling expenses excepted; and one other person, who shall be appointed by the Governor, by and with the advice and consent of both branches of the Legislature in joint convention; the person so appointed shall be acting commissioner and president of the board, and

shall hold the office for one year and until his successor shall be appointed, and shall receive for his services the sum of ten hundred dollars per year, as full compensation, including all expenses. In case of the death, resignation or any other inability of the commissioner to do the duties required of him, during the recess of the legislature, the Governor shall appoint some other person to fill such vacancy until the meeting of the legislature, and until the same shall be filled in the manner first provided in this section."

Which motion prevailed, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. Moran, |
| Mr. Axford, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Backus, | Mr. Gregory, | Mr. Newton, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Button, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Stockton, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |
| Mr. Coleman, | Mr. Miller, | |

32

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Hammond, | Mr. Williams, |
| Mr. Champlin, | Mr. McClelland, | |

8

On motion of Mr. Backus,

The twentieth section was stricken out of said bill, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. McDonald, |
| Mr. Backus, | Mr. Forbes, | Mr. Miller, |
| Mr. Barbour, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Johnson, | Mr. Renwick, |
| Mr. Castle, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Cook, | Mr. Larue, | Mr. Underwood, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Speaker, |

27

NAYS.

| | | |
|-------------|--------------|----------------|
| Mr. Axford, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hammond, | Mr. Sprague, |

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Bush, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Williams, | |
| Mr. Champlin, | Mr. Moran, | | 14 |

Mr. Bush moved to strike out all after the enacting clause of said bill, which was negatived by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|---------------|-----------------|---|
| Mr. Bell, | Mr. Champlin, | Mr. McClelland, | |
| Mr. Bush, | Mr. Dunham, | Mr. Mulhollan, | |
| Mr. Cathcart, | Mr. Hammond, | Mr. Williams, | 9 |

NAYS.

| | | | |
|--------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, | |
| Mr. Axford, | Mr. Gregory, | Mr. McReynolds, | |
| Mr. Backus, | Mr. Hart, | Mr. Newton, | |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Pierce, | |
| Mr. Bird, | Mr. Johnson, | Mr. Renwick, | |
| Mr. Button, | Mr. Kenny, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Larue, | Mr. Sprague, | |
| Mr. Castle, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, | |
| Mr. Coleman, | Mr. McDonald, | Mr. Speaker, | |
| Mr. Davis, | Mr. Miller, | | 32 |

Mr. Champlin moved to strike out all after the enacting clause of said bill, and substitute therefor all after the enacting clause of House bill number seventy.

On motion of Mr. Renwick, a division of the question was ordered.

The question being taken on striking out, it was lost by the following vote:

YEAS.

| | | | |
|---------------|---------------|-----------------|---|
| Mr. Bell, | Mr. Champlin, | Mr. McClelland, | |
| Mr. Bush, | Mr. Dunham, | Mr. Williams, | |
| Mr. Cathcart, | Mr. Hammond, | | 8 |

NAYS.

| | | | |
|--------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Gregory, | Mr. Moran, | |
| Mr. Axford, | Mr. Hart, | Mr. Mulhollan, | |
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Johnson, | Mr. Newton, | |
| Mr. Bird, | Mr. Kenny, | Mr. Pierce, | |
| Mr. Button, | Mr. Larue, | Mr. Renwick, | |
| Mr. Carr, | Mr. LeBaron, | Mr. Sanborn, | |
| Mr. Castle, | Mr. Lathrop, | Mr. Sprague, | |
| Mr. Coleman, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Davis, | Mr. Miller, | Mr. Speaker, | |
| Mr. Forbes, | | | 31 |

Mr. McClelland moved to strike out the word "ten," in the first section, and insert in lieu thereof, the word "eight."

A division of the question was ordered, and the question being taken on striking out, it was decided in the negative, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Champlin, | Mr. McDonald, |
| Mr. Bell, | Mr. Dunham, | Mr. Moran, |
| Mr. Bush, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Williams, |

12

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, |
| Mr. Backus, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Button, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Stockton, |
| Mr. Cook, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Davis, | | |

28

On motion of Mr. Davis, the bill was ordered engrossed for a third reading, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, |
| Mr. Axford, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Hart, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Bird, | Mr. Johnson, | Mr. Pierce, |
| Mr. Button, | Mr. Kenny, | Mr. Renwick, |
| Mr. Carr, | Mr. Larue, | Mr. Sanborn, |
| Mr. Castle, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Cook, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Coleman, | Mr. McDonald, | Mr. Underwood, |
| Mr. Davis, | Mr. Miller, | Mr. Speaker, |

33

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Bell, | Mr. Champlin, | Mr. McClelland, |
| Mr. Bush, | Mr. Dunham, | Mr. Williams, |
| Mr. Cathcart, | Mr. Hammond, | |

8

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Saturday, March 7, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform you that they have concurred in the amendment by the House, to the "Bill to amend the act relative to certain state roads," &c., and passed the bill as amended.

Also, herewith I return the "Joint resolution authorizing the Auditor General to purchase the River Raisin and Lake Erie railroad," with a substitute therefor, which substitute has been passed by the Senate, and the concurrence of the House of Representatives is respectfully asked.

D. W. KELLOGG,
Secretary of the Senate.

And the substitute for the "Joint resolution authorizing the Auditor General to purchase the River Raisin and Lake Erie railroad," was read the first and second times and referred to the committee on internal improvement.

On motion of Mr. Bell, the House adjourned until Monday morning at ten o'clock.

Monday, March 9, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, there were absent without leave, Messrs. Foote, Forbes, Walker and Williams.

LEAVE OF ABSENCE.

Mr. Ingalls asked and obtained leave of absence for Mr. Davis, for one day.

PETITIONS.

Mr. Ashman presented the memorial of William F. Pease and others, asking for an appropriation for the construction of ways for passing vessels over the portage at Sault de Ste Marie, into and out of Lake Superior. Referred to the committee on internal improvement.

Mr. Barbour presented sundry accounts of Messrs. J. S. & S. A. Bagg, for printing, which were referred to the committee on claims.

By Mr. Bell. Of Sheldon Judson and others, praying for the passage of a law authorizing them to erect a dam across the outlet of Bear Lake, in the county of Ottawa. Referred to the committee on banks and incorporations.

Mr. McReynolds presented the account of W. H. Wilder, for services as clerk of select committee. Referred to the committee on claims.

REPORTS.

Mr. Renwick, from the committee on ways and means, to whom was referred Senate bills numbers sixteen and thirty-three, and House bill number forty, for the purpose of consolidating them into one bill, reported the same back to the House, with sundry amendments, with a view to the attainment of the object proposed, and the same were referred to the committee of the whole and placed upon the general order.

Mr. Renwick, from the select committee appointed to take into consideration the propriety of abolishing certain offices, and the reduction of salaries, reported a bill entitled "A bill to repeal an act creating the office of librarian, and for other purposes," which was read the first and second times, and referred to the committee on the library.

Mr. LeBaron, from the select committee to whom was referred Senate bill number twenty-five, also, certain inquiries relative to the banking institutions of this state that have passed into the hands of receivers, submitted a report thereon, accompanied by a substitute for said bill, entitled a "Bill to amend 'An act to provide for the dissolution of corporations, and to prescribe the duties of receivers in chancery,' &c., approved April 15th 1837, and to facilitate and render less expensive the collection of claims against corporations and the directors and stockholders thereof," which was read the first and second times, referred to the committee of the whole and placed upon the general order.

And the report was ordered to lie upon the table and be printed.

(See House Document No. 53.)

Mr. Backus, from the judiciary committee, to whom was referred Senate bill "to grant certain privileges and exemptions to the firemen of the city of Detroit, and others;"

Also, to amend chapter five, title three, part three of the revised statutes, entitled "of forcible entre and detainer," reported the same back to the House without amendment, which were severally referred to the committee of the whole and placed upon the general order.

Also, reported back House bill "reducing the minimum price of university and school lands," without amendment, which was referred to the committee of the whole and placed upon the general order.

Mr. Hammond, from the judiciary committee, to whom was referred Senate bill number fifty-three, "to provide for the foreclosure of mortgages by advertisement," reported the same back to the House with sundry amendments, which were referred to the committee of the whole and placed upon the general order.

Mr. Hammond, from the same committee, to whom was referred the bill "to provide for the return and collection of taxes," reported the same back to the House without amendment, which was referred to the committee of the whole and placed upon the general order.

Mr. Lathrop, on leave, and pursuant to previous notice, introduced a bill, entitled a "Bill to incorporate the Jackson county mutual fire insurance company," which was read the first and second times, and referred to the committee on banks and incorporations.

Mr. Bell, on leave, and pursuant to previous notice, introduced a bill, entitled a "Bill to abolish the office of county commissioners, and to substitute therefor a board of supervisors," which was read the first and second times, and referred to the committee on ways and means.

RESOLUTIONS.

On motion of Mr. LeBaron,

Resolved, That the judiciary committee be directed to inquire into the expediency of so amending our collection laws, that the redemption on sales of real estate sold on mortgage, for purchase money, be extended to the same time as now allowed to the sales on execution.

On motion of Mr. Hammond,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of providing by law for the immediate payment of the stocks issued on account of delinquent taxes as far as the delinquent tax fund now on hand will liquidate the same, and so soon as a sum beyond the amount necessary to redeem said stocks, which shall be equal to ten per cent, of the amount due the several counties of this state, shall be received by the treasurer, for the distribution of the same accordingly.

On motion of Mr. Hammond,

The committee of the whole were discharged from the consideration of House bill number eighty-six, "to amend part three, title two, chapter five of the revised statutes, entitled 'of jurors;'" and on his motion, the same was taken up by the House for consideration, and, on his motion, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Champlin,

The House took up for consideration House bill number forty-eight "to organize certain townships;" and the question being upon ordering said bill engrossed for a third reading, Mr. Coleman offered the following, as an additional section, which was adopted:

"Sec. The name of the township of Alpina, in the county of Van Buren, shall hereafter be altered and changed to that of Hamilton."

And the bill was then ordered engrossed for a third reading.

On motion of Mr. Ashman,

The House resolved itself into committee of the whole, on House bill number seventy-four, "relative to the Auditor General and State Treasurer, and the offices of both;" Mr. Kenny in the chair.

After spending some time thereon the committee rose and

reported the same back to the House with sundry amendments, which were non-concurred in by the House, except the amendment striking out the fifth section, which was concurred in.

The said bill being under consideration, Mr. Hammond offered the following, to come in as section five:

"Sec. 5. That the Auditor General and the State Treasurer, each, be authorized to appoint a deputy, who may discharge the duties of their respective offices during the sickness of either of the Auditor or Treasurer, and for the acts of such deputy, they shall be held responsible: *Provided*, That no additional salaries shall be allowed for the discharge of the duties of said deputies."

Which was adopted; and, on motion of Mr. McClelland, the bill was laid upon the table.

On motion of Mr. McClelland,

The committee of the whole were discharged from the consideration of House bill number seventy-five, "to regulate the salary of the Governor, and for other purposes;" and on his motion, the House took up the same for consideration; and,

On motion of Mr. Champlin, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Hammond,

The House went into committee of the whole on Senate bills numbers sixteen and thirty-three, and House bill number forty, "relative to highway taxes;" Mr. McClelland in the chair.

After spending some time thereon, the committee rose and reported sundry amendments to Senate bill number thirty-three, and reported that the committee had stricken out all of Senate bill number sixteen, and House bill number forty, except such portions as had been incorporated by them into Senate bill number thirty-three; which report was adopted by the House, and the action had on said bills, concurred in.

On motion of Mr. Lathrop, Senate bill number thirty-three, as amended, was ordered to lie upon the table and be printed.

Mr. Steele, on leave, presented the petition of sundry inhabitants of Ingham county, praying for a repeal of the law instituting county commissioners. Referred to the committee on ways and means.

On motion of Mr. McClelland,

The committee of the whole were discharged from the consideration of bill number sixty-one, substitute for Senate bill number twenty-three, "to establish two additional chancery circuits in the state of Michigan," and on his motion, the House took up the same for consideration, which was then ordered to a third reading.

On motion of Mr. Champlin, the rule was suspended, and the bill read a third time and passed.

On motion of Mr. Renwick,

The general orders were laid upon the table, and on his motion the House took up for a third reading the "Bill for the regulation of internal improvement."

Mr. Sprague offered the following as an additional section, which was adopted:

"Sec. 8. This act shall be in force from and after its passage."

And the bill was then read the third time and passed.

Mr. Harbaugh, from the committee on the library, to whom was referred the "Bill to repeal an act creating the office of librarian and for other purposes," reported the same back to the House with an amendment, which was referred to the committee of the whole and placed upon the general order.

Mr. Harbaugh, from the committee of conference on Senate bill entitled "An act to amend part four, title first, and chapter four of the revised statutes, and for other purposes," reported that the committee had agreed to certain amendments made thereto, and the report of the committee was adopted.

On motion of Mr. LeBaron, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, there were absent without leave, Messrs. Harbaugh, McClelland and Steele.

On motion of Mr. Barbour, the House took up the "Joint resolution relative to the circuit court for Eaton county,"

which was laid upon the table on the 4th of March, and passed the same.

Mr. Turner, from the select committee appointed to inquire into the present condition of the university of Michigan, reported a "Bill relative to the university of Michigan; which,

On motion of Mr. Bell, was laid upon the table and ordered printed.

On motion of Mr. Renwick, the House resumed the consideration of the general order, and on his motion, the House resolved itself again into committee of the whole on House bill number forty-six, "to prescribe the amount of fees;" Mr. Bell in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in, in gross.

The bill being under consideration,

Mr. Bell moved further to amend section fifteen, by inserting the following, to come in after the word "Oakland:"

"And for like services in all other counties in the state, one dollar, where service is made on one defendant only; and for the service on each additional defendant, fifty cents;" which was adopted.

Mr. Backus moved to amend section thirty-five, by inserting the word "witness," after the word "any," which was adopted.

Mr. Miller moved to re-commit said bill to the committee on the judiciary, which motion did not prevail.

Mr. McReynolds moved to lay the bill upon the table, which was lost; and

The bill was then ordered engrossed for a third reading.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Monday, March 9, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, a "Bill to organize certain townships," which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

Also, I am instructed by the Senate to inform you that the report of the committee of conference on the "Bill to amend part four, title one, chapter four of the revised statutes, and for other purposes," has been adopted by the Senate, and the bill passed as amended.

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to organize certain townships," was read the first and second times and referred to the committee on towns and counties.

Mr. Bush, on leave and pursuant to previous notice, introduced a "Bill to amend part one, title five, chapter eight of the revised statutes," which was read the first and second times and referred to the committee on the judiciary.

On motion of Mr. Axford,

The House took up for consideration the "Bill to amend part one, title five, chapter seven of the revised statutes," which was then ordered to a third reading.

On motion of Mr. Harbaugh,

The rule was suspended, and the bill read a third time and passed.

On motion of Mr. Bush, the House adjourned.

Tuesday, March 10, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, there were absent, without leave, Messrs. Hammond and McClelland, who afterwards appeared in their respective seats.

PETITIONS.

By Mr. Spencer. Of sundry citizens of the village of Ypsilanti, praying for an amendment of the charter of said village. Referred to the committee on banks and incorporations.

REPORTS.

Mr. Renwick, from the select committee for the abolishment

of certain offices, and for the reduction of salaries, reported a bill, entitled a "Bill to abolish certain offices, and for other purposes;" which was read the first and second times, and referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the select committee, to whom was referred so much of the Governor's message, together with accompanying documents, as relates to the interference by an armed military force, under the authority of the United States in the construction of a ship canal around the falls of Sault de Ste Marie, submitted a report thereon, accompanied by the following joint resolutions:

Be it resolved by the Senate and House of Representatives of the State of Michigan, That it is the sense of this Legislature that the proceedings of the government of the United States at the Sault de Ste Marie, on the 12th day of May, 1839, by which the contractors and hands at work on the canal at that place, were forcibly driven from the same, and compelled to abandon its further construction, were unwarranted by the constitution of the United States, and a gross violation of the rights and sovereignty of the State of Michigan.

Be it further resolved, That as an act of justice to the State of Michigan, the government of the United States is bound to re-pay to the state, the amount of money advanced to the contractors, together with all damages the state has sustained by reason of the arbitrary and unjust measures which deprived the state of the right to construct the Sault de Ste Marie canal.

And be it further resolved, That our Senators and Representative in Congress be requested to adopt such measures as will tend to the speedy reparation, by the general government, of the injury which has been inflicted upon the rights of the state; and that they demand the re-payment of the money which has been expended, together with all damages that the state has sustained.

Which resolutions were, according to rule, laid upon the table for one day; and,

On motion of Mr. LeBaron, the report was laid upon the table, and three hundred extra copies ordered printed.

(*See House Document No. 54.*)

Mr. Backus, from the judiciary committee, to whom was referred the Senate bill "to incorporate the Port Sheldon land company," reported the same back to the House with sundry amendments; which were referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the same committee, to whom was referred a resolution requesting said committee to inquire whether there are any alterations necessary in the laws in relation to the election of electors for President and Vice President, reported that in the opinion of the committee, no further legislation is necessary on that subject; and the committee were discharged from its further consideration.

Mr. Bell, from the committee on banks and incorporations, to whom was referred a "Bill to incorporate the Jonesville railroad company," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Bell, from the same committee, to whom was referred the petition of Sheldon Judson and others, praying for the passage of an act authorizing them to erect a dam across the outlet of Bear lake, in the county of Ottawa, reported a bill for that purpose, entitled a "Bill to authorize the building of a certain dam therein named," which was read the first and second times, referred to the committee of the whole, and placed upon the general order.

Mr. Champlin, from the committee on towns and counties, to whom was referred the petition of Mark Carrington and others, inhabitants of the town of Lexington, in the counties of St. Clair and Sanilac, praying for the organization of a township, reported adverse to the prayer of the petitioners, and that the petitioners have leave to withdraw their said petition, and the committee were discharged from its further consideration.

Mr. Champlin, from the same committee, to whom was re-

ferred the petition of sundry inhabitants of the township of Royaltou, Berrien county, praying to be re-attached to the township of St. Joseph, in said county, reported adverse to the prayer of the petitioners, for the reason that no legal notice has been given according to law; and the committee were discharged from the further consideration of the subject.

Mr. Champlin, from the same committee, to whom was referred Senate bill number sixty-two, "to organize certain townships," reported the same back to the House without amendment, which was referred to the committee of the whole, and placed upon the general order.

Mr. Champlin, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of changing the time of holding the annual township meetings, reported the same back to the House, and that it is the opinion of said committee that no legislative enactment is necessary at this session on that subject, and the committee were discharged from its further consideration.

Mr. Howard, from the committee on internal improvement, to whom was referred the claim of W. & I. Ford, reported adverse to the allowance of said claim, and the committee were discharged from its further consideration.

Mr. Howard, from the same committee, to whom was referred the memorial of the St. Clair and Romeo railroad company, asking a loan from the state, reported the same back to the House, and the committee asked and were discharged from its further consideration.

Mr. Howard, from the same committee, to whom was referred Senate bill number sixty, substitute for House resolution "to provide for a settlement with the Lake Erie and River Raisin railroad company, and also, the Detroit and Pontiac railroad company," reported the same back to the House without amendment, which was referred to the committee of the whole, and placed upon the general order.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act to amend, 'An act to organize the militia.'"

Also, "An act for the relief of the Monroe and Ypsilanti railroad company."

Also, "An act to authorize the guardian of Ursula and Dorothy Cauchois to convey certain real estate."

Mr. Bush gave notice, that at some future day, he would ask leave to introduce a bill to amend part two, title one, chapter one; also, a bill to amend part one, title nine, chapter five of the revised statutes.

On motion of Mr. Sprague,

The House took up the motion made on the 25th ult., to reconsider the vote concurring in the amendment made by the Senate to the "Bill restricting the powers of sheriffs," &c., and, the question being upon re-considering said vote, it prevailed.

The question then recurring upon a concurrence in the amendment of the Senate, the House refused to concur.

The House took up for a third reading the "Bill to organize certain townships," which was read a third time and passed.

The House then took up for a third reading, the "Bill to prescribe the amount of fees."

Mr. Bush moved to amend said bill by striking out, in section fifteen, line seventy-two, the words "one dollar," and inserting in lieu thereof "fifty cents," which motion did not prevail, and the bill was then read the third time and passed.

On motion of Mr. Champlin,

The committee of the whole were discharged from Senate bill "to grant certain privileges and exemptions to the firemen of the city of Detroit, and others;"

And on his motion, the House took up the same for consideration, and the bill was then ordered to a third reading.

On motion of Mr. Champlin,

The rule was suspended and the bill read the third time and passed.

On motion of Mr. Champlin,

The committee of the whole were discharged from Senate bill number forty-three, "to amend an act entitled 'An act to abolish imprisonment for debt, and punish fraudulent debtors,'"

And on his motion, the House took up the same for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Backus.

The committee of the whole were discharged from Senate bill number forty-six, "to amend chapter five, title three, part three of the revised statutes, entitled 'of forcible entry and detainer;'"

And on his motion, the House took up the same for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Bell,

The committee of the whole were discharged from the Senate bill "to provide for the foreclosure of mortgages by advertisement;"

And on his motion, the House took up the same for consideration, and the amendments reported by the judiciary committee were concurred in by the House, and the bill was then ordered to a third reading.

On motion of Mr. LeBaron,

The committee of the whole were discharged from Senate bill "to amend the third sub-division of section thirteen, part one, title eleven and chapter three of the revised statutes, entitled 'of primary schools;'"

And on his motion, the same was taken up for consideration.

On motion of Mr. Hammond,

The bill was re-committed to the committee on education.

On motion of Mr. LeBaron,

The committee of the whole were discharged from Senate bill "for the relief of certain school districts in the township of Parma, Jackson county;"

And on his motion, the House took up the same for consideration.

The question being upon concurring in the amendments reported by the committee on education,

Mr. Hammond moved to lay the bill upon the table, which prevailed by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Newton, |
| Mr. Axford, | Mr. Forbes, | Mr. Pierce, |
| Mr. Barbour, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bell, | Mr. Hart, | Mr. Spencer, |
| Mr. Bush, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Larue, | Mr. Underwood, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Walker, |
| Mr. Cook, | Mr. McClelland, | Mr. Williams, |
| Mr. Coleman, | Mr. Miller, | Mr. Speaker, |
| Mr. Dunham, | Mr. Mulhollan, | |

29

NAYS.

| | | |
|-------------|---------------|-----------------|
| Mr. Bird, | Mr. Gregory, | Mr. Moran, |
| Mr. Carr, | Mr. Howard, | Mr. McReynolds, |
| Mr. Castle, | Mr. McDonald, | Mr. Sprague, |
| Mr. Fuller, | | |

10

On motion of Mr. Foote,

The House resolved itself into committee of the whole on House bill number forty-five "to provide for the assessment of damages occasioned by flowing or otherwise injuring lands by mills and dams," Mr. Lathrop in the chair.

After spending some time thereon the committee rose and reported the same back to the House without amendment.

The bill was then ordered to a third reading.

On motion of Mr. LeBaron,

The House resolved itself into committee of the whole on the "Bill to provide for the appraisal of property taken on execution, and for other purposes," Mr. Hammond in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by the House.

The bill being under consideration, Mr. Sprague moved to strike out all after the enacting clause of said bill, which motion prevailed by the following vote:

YEAS.

| | | |
|-------------|--------------|----------------|
| Mr. Axford, | Mr. Forbes, | Mr. Moran, |
| Mr. Backus, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Bird, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bush, | Mr. Hart, | Mr. Renwick, |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Cook, | Mr. Kenny, | Mr. Spencer. |

Mr. Coleman,
Mr. Davis,
Mr. Dunham,
Mr. Foote,

Mr. McClelland,
Mr. McDonald,
Mr. Miller,

Mr. Sprague,
Mr. Underwood,
Mr. Walker,

28

NAYS.

Mr. Ashman,
Mr. Barbour,
Mr. Bell,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,

Mr. Hammond,
Mr. Harbaugh,
Mr. Howard,
Mr. Johnson,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,

Mr. McReynolds,
Mr. Newton,
Mr. Stockton,
Mr. Tucker,
Mr. Williams,
Mr. Speaker,

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On motion of Mr. Tucker, the enacting clause was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Tuesday, March 10, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the "Bill to incorporate the Marshall mutual insurance company," and the "Bill to extend the powers of county commissioners," &c., with the amendments made to each by the House of Representatives, and respectfully inform you that the Senate do not concur in either of the amendments to said bills.

Also, further to inform you that the Senate have concurred in the amendments by the House to the "Bill relative to filing oaths of office, and bonds of certain civil officers," and passed the bill as amended.

Also, I return herewith the "Bill and House substitute to establish a fourth chancery circuit court in the state of Michigan," in which substitute the Senate refuse to concur.

And further, I return the "Bill to amend part three, title two, chapter five, of the revised statutes, entitled 'of jurors,'" which the Senate have passed without amendment.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Lathrop,

The House recessed from their amendments to the Senate "Bill to incorporate the Marshall mutual insurance company,"

And on motion of Mr. Hammond,

The House refused to recede from the amendment made to the Senate "Bill to extend the powers of county commissioners in certain cases, and to regulate appeals from their decisions;

And on motion of Mr. McClelland,

The House insisted on the amendment by the House to the "Bill to establish a fourth chancery circuit court in the state of Michigan."

The Chair announced the following message from the Executive, accompanied by the "Bill to provide for the collection of delinquent taxes in the county of Ottawa, and for other purposes," which he returned without his signature, by his private secretary, Langley Bruce, Esq.:

To the House of Representatives:

GENTLEMEN—It is with much reluctance that I feel myself compelled from a sense of duty, to return to you, without approval, the bill entitled "An act to provide for the collection of delinquent taxes in the county of Ottawa, and for other purposes."

The first section of that bill purports to sanction and adopt, in gross, the returns of the overseer of highways for the district therein named, "of the delinquent resident and non-resident highway taxes for the year 1838," and to require that the collection of those taxes be coerced, any law to the contrary notwithstanding, according to the provisions of the act to extend the time for the collection of taxes for the year 1839, &c.

Whatever irregularities may have been committed in the operation, from the beginning, however unjust or illegal may have been the previous assessment, apportionment or return of these taxes, by this act, all is made good, and that without extending to those whose farms may be sacrificed in consequence of it, an opportunity to correct whatsoever may be unjust or oppressive in the transaction, nor even perhaps the power of remonstrating against such wrong, if it exist.

When taxes are assessed upon a scale of uniformity and equality, and by a standard of value which approaches to certainty, there would be less hazard of committing injustice by such

retrospective acts. Though even in such cases I think retrospective acts of this character ought never to be passed except in cases of imperative necessity. Vested rights may be thus disturbed, and without intending it, gross injustice may be done. The common good and the rights of the citizens are always far better protected by laws altogether prospective and not retroactive in their operations. But in cases where there is no common standard by which to assess a tax, and no uniformity secured in its apportionment, but a broad authority is vested in a few individuals of any neighborhood, to assess and apportion, almost at their pleasure, local (as in the case of highways or school taxes,) a retrospective act, purporting to approve and confirm all which so have been done, I consider most highly dangerous to the safety of the citizens and to the honor of the state.

Taking these views of the subject, and so understanding the bearing of the act in question, the objection they imply seems to me imperatively to forbid my signature of the act.

WILLIAM WOODBRIDGE.

Executive Office, March 10, 1840.

Mr. Bell moved that the vote on the passage of said bill be re-considered; and,

On motion of Mr. McClelland, the motion to re-consider was laid upon the table.

On motion of Mr. Hammond,

Three hundred copies of the special message of the Executive was ordered printed.

On motion, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, the same members were present as in the morning.

The Chair announced a special message from the Executive accompanied by a series of resolutions adopted by the legislature of Vermont, relative to the public lands.

On motion of Mr. Howard,

The same was laid upon the table and three hundred extra copies ordered printed.

(See House Document No. 55.)

Mr. Turner submitted a document purporting to be a protest against the act of the House on the 5th inst. refusing to enter upon the journal, his substitute for the "Bill to authorize the anticipation of certain instalments of the five million loan," which was read; and,

On motion of Mr. Tucker, the same was laid upon the table.

On motion of Mr. Lathrop,

The House resolved itself into committee of the whole, on the bill "to prevent the destruction of muskrats," Mr. Walker in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by the House, and,

Mr. Underwood moved to amend said bill in the second section, second line, by striking out the words "her own," which motion did not prevail.

The bill was ordered to a third reading.

On motion of Mr. Hammond,

The rule was suspended, and the bill read the third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McClelland, |
| Mr. Axford, | Mr. Forbes, | Mr. Miller, |
| Mr. Backus, | Mr. Fuller, | Mr. Moran, |
| Mr. Barbour, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Bush, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Turner, |
| Mr. Champlin, | Mr. Larue, | Mr. Walker, |
| Mr. Davis, | Mr. LeBaron, | Mr. Williams, |
| Mr. Dunham, | Mr. Lathrop, | |

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NAYS.

| | | |
|-----------|---------------|-------------|
| Mr. Bird, | Mr. McDonald, | Mr. Tucker, |
|-----------|---------------|-------------|

| | | | |
|--------------|---------------|----------------|---|
| Mr. Cook, | Mr. Spencer, | Mr. Underwood, | |
| Mr. Ingalls, | Mr. Stockton, | Mr. Speaker, | 9 |

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the "Bill to amend chapter two, title four, part three of the revised statutes 'in relation to millers,' " and,

On his motion, the House took up the same for consideration.

Mr. Hammond moved to strike out all after the enacting clause of said bill, which prevailed by the following vote:

YEAS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Axford, | Mr. Hammond, | Mr. McReynolds, | |
| Mr. Backus, | Mr. Hart, | Mr. Newton, | |
| Mr. Barbour, | Mr. Howard, | Mr. Pierce, | |
| Mr. Bird, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, | |
| Mr. Castle, | Mr. Larue, | Mr. Stockton, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Davis, | Mr. McClelland, | Mr. Turner, | |
| Mr. Foote, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Forbes, | Mr. Miller, | Mr. Walker, | |
| Mr. Fuller, | Mr. Mulhollan, | Mr. Speaker, | |
| Mr. Gregory, | | | 37 |

NAYS.

| | | | |
|---------------|---------------|---------------|----|
| Mr. Ashman, | Mr. Cook, | Mr. Lathrop, | |
| Mr. Bell, | Mr. Dunham, | Mr. Moran, | |
| Mr. Bush, | Mr. Harbaugh, | Mr. Williams, | |
| Mr. Champlin, | | | 10 |

On motion of Mr. Hammond,

The consideration of the title of said bill was indefinitely postponed.

Mr. McReynolds moved that the "protest," offered by Mr. Turner, be taken up by the House, and that he have leave to withdraw the same.

On motion of Mr. Champlin, a division of the question was ordered, and,

The question being taken, upon taking up said protest, the House refused to take up the same, by the following vote:

YEAS.

| | | |
|-----------|------------|--------------|
| Mr. Bell, | Mr. Larue, | Mr. Spencer, |
|-----------|------------|--------------|

| | | |
|---------------|-----------------|----------------|
| Mr. Cathcart, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Dunham, | Mr. McClelland, | Mr. Turner, |
| Mr. Foote, | Mr. Moran, | Mr. Underwood, |
| Mr. Hammond, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Kenny, | Mr. McReynolds, | Mr. Williams, |

18

NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Ashman, | Mr. Cook, | Mr. Lathrop, |
| Mr. Backus, | Mr. Davis, | Mr. McDonald, |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Howard, | Mr. Pierce, |
| Mr. Carr, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Castle, | Mr. Johnson, | Mr. Speaker, |
| Mr. Champlin, | | |

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On motion of Mr. Tucker, the House adjourned.

Wednesday, March 11, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were all present except Messrs. Brown and Steele, who were absent on leave.

PETITIONS.

By Mr. Champlin. Of John Morass and Joel Houghton, praying for relief in regard to the bank of Coldwater; which, on his motion, was laid upon the table, as the subject of the petition had been previously disposed of by the House.

By Mr. Bush. Of John C. Salisbury and others, praying for a change of the name of the township of Tyrone, in the county of Livingston. Referred to the committee on towns and counties.

By Mr. Pierce. Of sundry citizens of the town of Dexter, Washtenaw county, praying for the alteration of the state road from Dexter to Grand river. Referred to the committee on roads and bridges.

REPORTS.

Mr. Harbaugh, from the judiciary committee, to whom was referred the memorial of the Detroit young men's society, reported a bill, entitled a "Bill to provide for furnishing the De-

troit young men's society, and organized lyceums in this state, with copies of the laws, journals and public documents of the state;" which was read the first and second times, referred to the committee of the whole, and placed upon the general order.

Mr. Renwick, from the committee on ways and means, to whom was referred the "Bill to abolish the office of county commissioners and to substitute therefor a board of supervisors," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Bell, from the committee on banks and incorporations, to whom was referred the "Bill to incorporate the Jackson county mutual fire insurance company," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Tucker, from the committee on claims, to whom was referred the claim of W. H. Wilder, for services as clerk of select committee, reported the following joint resolution, which was laid upon the table according to rule:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be authorized, and he is hereby required to draw his warrant on the Treasurer, in favor of W. H. Wilder, for the sum of fifty cents, the same being in full for services rendered to a select committee of this House.

Mr. Howard, from the committee on internal improvement, to whom was referred the memorial of William Bronson and others, contractors on the Clinton and Kalamazoo canal, submitted a report thereon; which was laid upon the table, and ordered printed, and the committee were discharged from the further consideration of the subject.

(See House Document No. 56.)

Mr. Turner, from the select committee on the five million loan, submitted a report thereon from the minority of said committee, which was read at the Clerk's table; and,

On motion of Mr. Davis, the same was laid upon the table.

(See House Document No. 57.)

Mr. Champlin, from the committee on towns and counties, reported a bill entitled a "Bill to provide for the removal of the seat of justice of the county of Hillsdale," which was read the first and second times, referred to the committee of the whole, and placed upon the general order.

Mr. Bush, on leave, and pursuant to previous notice, introduced a "Bill to amend part two, title one, chapter one and section ten of the revised statutes."

Also, a "Bill to amend part one, title nine, chapter five of the revised statutes," which were severally read the first and second times, and referred to the committee on the judiciary.

The Chair announced a communication from the board of internal improvement, in compliance with a resolution of the House of Representatives, requiring certain information respecting the Maumee branch and Havre branch railroad.

On motion of Mr. Howard,

The same was laid upon the table and ordered printed.

(See House Document No. 58.)

The House took up for a third reading, Senate bill number fifty-three, "to provide for the foreclosure of mortgages by advertisement," which was read a third time, and passed.

The House then took up for a third reading, Senate bill number forty-three, "to amend an act entitled 'An act to abolish imprisonment for debt and to punish fraudulent debtors,'" which was read a third time, and the question being upon the passage of said bill,

On motion of Mr. McClelland, the bill was laid upon the table.

The House took up for a third reading, Senate bill number forty-six, "to amend chapter five, title three, part three of the revised statutes, entitled 'of forcible entry and detainer,'" which was read a third time. The question being upon the final passage of said bill,

Mr. Hammond offered the following additional section, to come in as section six:

"Sec. 6. That this act shall not be construed to effect in

any way, leases heretofore entered into, and unexpired at the time of the passage of this act;" which was adopted.

Mr. Harbaugh moved to further amend, by striking out the word "three," in tenth line, first section, and insert in lieu thereof, the word "ten," which motion did not prevail.

The question recurring upon the passage of the bill, the same was passed.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Wednesday, March 11, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform you that the Senate have concurred in the amendment by the House, to the "Bill to provide for laying out a state road from Schoolcraft to Albion," &c., and passed the bill as amended.

Further, to transmit herewith, a "Bill to repeal the law authorizing the election of county commissioners," and ask the concurrence of the House of Representatives.

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to repeal the law authorizing the election of county commissioners," was read the first and second times and referred to the committee on ways and means.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State:

1. An act entitled "An act to amend an act entitled 'An act to provide for the laying out and establishing certain state roads,' passed April 18, 1839."

2. Also, an act entitled "An act relative to the prices for public printing."

3. Also, a "Joint resolution relative to pamphlet laws and journals of the Legislature."

4. Also, an act entitled "An act to amend 'An act to organize the militia.'"

WILLIAM WOODBRIDGE.

Executive Office, March 10, 1840.

Mr. Tucker offered the following preamble and resolution :

Whereas, one W. H. Wilder has this day without any cause insulted one of the members of this House, by directing to said member in his place, the following communication, to wit:

State of Michigan:

Please pay True P. Tucker the sum of fifty cents, being the amount by him allowed on my claim against the state, it being in full for his services as one of the committee on claims.

W. H. WILDER.

Detroit, March 11, 1840.

Resolved, (by this House,) That the seargent-at-arms be, and he is hereby directed to keep W. H. Wilder from entering within the bar of this House under any pretence whatever, and if said Wilder shall at any time intrude himself within the bar, without leave first obtained of the House, the seargeant-at-arms is further directed to eject him forthwith.

Which was unanimously adopted, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McDonald, |
| Mr. Axford, | Mr. Forbes, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bird, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bush, | Mr. Hart, | Mr. Sanborn, |
| Mr. Button, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Carr, | Mr. Howard, | Mr. Sprague, |
| Mr. Castle, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Turner, |
| Mr. Champlin, | Mr. Kenny, | Mr. Underwood, |
| Mr. Cook, | Mr. Larue, | Mr. Walker, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Williams, |
| Mr. Davis, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Dunham, | Mr. McClelland, | |

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NAYS.

On motion of Mr. LeBaron,

The committee of the whole were discharged from the joint resolution reported by the committee on internal improvement authorizing the Auditor General to settle the claim of A. J. Comstock;

And on his motion, the House took up the same for consideration.

On motion of Mr. Tucker,

The same was referred to the committee on the judiciary.

On motion of Mr. Bush,

The House took up the bill "to authorize Joseph H. Kilborn to erect a dam across the Red Cedar river," and the amendments made by the Senate, being under consideration, the House non-concurred in the first amendment made to said bill, and concurred in the second amendment made by the Senate to said bill.

On motion of Mr. Champlin,

The House took up the substitute for Senate bills, numbers sixteen and thirty-three, "to provide for the application of highway taxes upon roads in the surveyed townships where the same are assessed and collected, and for fixing the commutation price for a day's labor upon the highways," which was referred to the committee of the whole, and on his motion,

The House resolved itself into committee of the whole on said bill; Mr. Davis in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments in which the House concurred.

The question being taken upon concurring in the amendment to strike out the sixth section, the same was adopted, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Lathrop, |
| Mr. Backus, | Mr. Fuller, | Mr. McClelland, |
| Mr. Barbour, | Mr. Gregory, | Mr. McDonald, |
| Mr. Bird, | Mr. Hart, | Mr. Miller, |
| Mr. Button, | Mr. Harbaugh, | Mr. Mulholland, |
| Mr. Carr, | Mr. Howard, | Mr. McReynolds, |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Cook, | Mr. Johnson, | Mr. Sprague, |

Mr. Davis,
Mr. Foote,

Mr. Larue,
Mr. LeBaron,

Mr. Underwood,
Mr. Speaker, 30

NAYS.

Mr. Bush,
Mr. Castle,
Mr. Champlin,
Mr. Coleman,
Mr. Hammond,

Mr. Kenny,
Mr. Moran,
Mr. Pierce,
Mr. Renwick,

Mr. Sanborn,
Mr. Stockton,
Mr. Walker,
Mr. Williams,

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Mr. Hammond moved to further amend said bill by inserting the following, to stand as section seven:

"Sec. 7. That the commissioners of the several counties of this state be, and they are hereby authorized and required, at their annual meeting in October next, to assess and collect all such unpaid highway taxes, as shall have been returned to their office previous to the first Monday in October next, which shall have been legally assessed and levied by the proper township officers, for the years 1838 and 1839, and have not been already assessed by said commissioners, (estimating the same at the rate of seventy-five cents for each day's work,) in like manner and with like effect, as is provided by the existing laws, in reference to the assessment and collection of unpaid highway taxes: *Provided*, That no such tax or taxes shall be levied as aforesaid, unless the affidavit of the overseer, to whom the original warrant was directed, shall be annexed to the return thereof, stating that such return is just and true, and that the labor is undone and unpaid for; and any person owing such delinquent tax may work the same out, under the direction of the highway commissioners for the proper township for the time being, or may commute with them therefor at the rate of sixty-two and one half cents for each day's work, at any time previous to the first day of September next. This section shall apply as well to those cases where the tax was originally assessed, in "dollars and cents," as in "days and parts of days."

Mr. McReynolds moved to adjourn, which was negatived by the following vote:

YEAS.

Mr. Ashman,

Mr. Davis,

Mr. Ingalls,

Mr. Bird,
Mr. Cathcart,
Mr. Cook,

Mr. Foote,
Mr. Harbaugh,
Mr. Howard,

Mr. Larue,
Mr. Mulhollan,
Mr. McReynolds, 12

NAYS.

Mr. Backus,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Champlin,
Mr. Coleman,
Mr. Fuller,
Mr. Gregory,
Mr. Hammond,

Mr. Hart,
Mr. Kenny,
Mr. Lathrop,
Mr. McClelland,
Mr. McDonald,
Mr. Miller,
Mr. Moran,
Mr. Pierce,
Mr. Renwick,

Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tucker,
Mr. Underwood,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

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The question recurring upon the adoption of Mr. Hammond's amendment, pending the discussion of which,

On motion of Mr. Champlin, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Barbour, Bell, Harbaugh, Moran, Pierce, Renwick and Tucker.

Mr. Hammond's amendment to the "Bill to provide for the application of highway taxes upon roads in the several surveyed townships, where the same are assessed and collected, and for fixing the commutation price for a day's labor upon the highways," being yet under consideration,

Mr. Champlin offered the following amendment to the amendment, to come in after the word "stated," in the thirteenth line, "therein, that he has not upon diligent inquiry and attention thereto, been able to find any person or persons of whom he could collect the amount of said highway tax or taxes or any goods or chattels on which he could lawfully levy and sell for said highway labor;" which amendment was accepted by Mr. Hammond.

The question being upon the adoption of the amendment as amended, pending which,

Upon the motion of Mr. Hammond, a call of the House was

ordered, and on calling the roll, the following members were absent without leave, Messrs. Barbour, Moran, Pierce, Renwick and Tucker.

Mr. Howard asked and obtained leave of absence for Mr. Harbaugh, and Mr. Champlin for Mr. Bell.

On motion of Mr. Champlin, the sergeant-at-arms was directed to bring in the absentees.

On motion of Mr. Champlin, the further proceedings under the call were dispensed with.

The Chair announced the following message from the Executive:

To the Senate and House of Representatives:

I herewith present, for the consideration of both houses of the Legislature, the application of Cyrus Howard, Esq., concerning a reward which purports to have been offered for the discovery and apprehension of the person or persons who may wickedly have set fire to and caused to be burned down, the bridge over the River Rouge, on the Central railroad.

I have deemed it inexpedient for me to act further on this subject until the pleasure of the Legislature may be made known to me.

I have no knowledge of the subject, either personally or officially, other than is contained in the accompanying documents; nor would any action, under circumstances, be proper on the part of any of the officers of the Executive government, until appropriate means were taken to establish the genuineness of the claim, and an appropriation made by law, to meet the exigency.

I commend the subject, respectfully, to the consideration of the Legislature.

WILLIAM WOODBRIDGE.

Executive Office, March 11, 1840.

On motion of Mr. Howard, the message, with the accompanying documents, were referred to the committee on claims.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Wednesday, March 11, 1840. }

To the Speaker of the House of Representatives:

SIR—I herewith transmit for the concurrence of the House, “A bill to provide for a settlement with the Ypsilanti and Tecumseh railroad company,” which the Senate have passed.

D. W. KELLOGG,
Secretary of the Senate.

And the “Bill to provide for a settlement with the Ypsilanti and Tecumseh railroad company,” was read the first and second times, and referred to the committee on internal improvement.

Also, the following message from the Senate:

SENATE CHAMBER,
Wednesday, March 11, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, and am instructed by the Senate, to respectfully ask the concurrence of the House in the same, the following bills, which have severally been passed by the Senate, to wit:

A “Bill to amend chapter five, title four, part three of the revised statutes, ‘relating to proceedings in replevin.’”

A “Bill in relation to the Michigan state bank.”

A “Bill to amend a certain part of the revised statutes, ‘of highways, bridges and ferries.’”

Also, I return the “Bill to provide for the organization of courts of special sessions,” &c., with sundry amendments, in which the concurrence of the House of Representatives is respectfully asked.

D. W. KELLOGG,
Secretary of the Senate.

And the “Bill to amend a certain part of the revised statutes, ‘of highways, bridges and ferries,’” was read the first and second times, and referred to the committee on roads and bridges.

The “Bill in relation to the Michigan state bank,” was read the first and second times, and referred to the committee on the judiciary.

The "Bill to amend chapter five, title four, part three of the revised statutes, relating 'to proceedings in replevin,'" was read the first and second times, and referred to the committee on banks and incorporations.

On motion, the "Bill to provide for the organization of courts of special sessions, and to define their powers and duties," was laid upon the table.

The House resumed the consideration of the "Bill relative to the application of highway taxes;"

And the question being upon the amendment offered by Mr. Hammond, the same was lost by yeas and nays, as follows:

YEAS.

| | | |
|---------------|--------------|---------------|
| Mr. Barbour, | Mr. Davis, | Mr. Renwick, |
| Mr. Bush, | Mr. Dunham, | Mr. Sanborn, |
| Mr. Castle, | Mr. Hammond, | Mr. Stockton, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Turner, |
| Mr. Coleman, | Mr. Pierce, | Mr. Williams, |

15

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Miller, |
| Mr. Axford, | Mr. Hart, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Howard, | Mr. McReynolds, |
| Mr. Bird, | Mr. Ingalls, | Mr. Newton, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Foote, | Mr. McClelland, | Mr. Walker, |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, |
| Mr. Fuller, | | |

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Mr. Champlin moved to amend said bill in the third line of section two, by striking out the words "township board," and inserting in lieu thereof "supervisor of said town, and his successor in office," which amendment prevailed.

Mr. Button moved to strike out "sixty-two and a half," in the second line of the fourth section, and insert in lieu thereof, "seventy-five."

On motion of Mr. Sprague, a division of the question was ordered, and the House refused to strike out.

Mr. McReynolds moved to amend the last line of the third section by striking out "seventy-five," and inserting in lieu thereof, "sixty-two and a half," which motion was lost.

The bill was then ordered to a third reading.

On motion of Mr. Lathrop, the rule was suspended, the bill read the third time and passed.

The title of said bill being under consideration,

Mr. Hammond moved to amend the same by adding "and for other purposes," which motion prevailed.

On motion of Mr. LeBaron,

The House resolved itself into committee of the whole on the substitute for Senate bill number twenty-five, entitled "A bill to amend 'An act to provide for the voluntary dissolution of corporations,' " &c., Mr. McClelland in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House with sundry amendments, in which the House concurred.

Mr. Backus moved to amend said bill in twenty-third section, fourth line, by inserting after the word "corporations," "if such creditor shall consent to receive the same," which was adopted.

Mr. Tucker moved to further amend the bill by striking out all after the enacting clause, which motion did not prevail.

Mr. Spencer moved to commit the bill to the committee on banks and incorporations, which motion was lost by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Barbour, | Mr. Hart, | Mr. Mulhollan, |
| Mr. Carr, | Mr. Howard, | Mr. Sanborn, |
| Mr. Castle, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Coleman, | Mr. Kenny, | Mr. Tucker, |
| Mr. Foote, | Mr. McClelland, | Mr. Walker, |
| Mr. Forbes, | Mr. Miller, | |

17

NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Ashman, | Mr. Dunham, | Mr. McDonald, |
| Mr. Axford, | Mr. Gregory, | Mr. Moran, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Bird, | Mr. Johnson, | Mr. Pierce, |
| Mr. Cathcart, | Mr. Larue, | Mr. Stockton, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Speaker, |

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And the bill was then ordered to a third reading.

On motion of Mr. Pierce,

The House took up the "Bill to provide for the organization of a court of special sessions, and to define their powers and duties."

The question being upon concurring in the amendments made by the Senate to said bill, the House concurred in the same.

On motion of Mr. Mulhollan, the House adjourned.

Thursday, March 12, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were all present except those absent on leave.

PETITION.

By Mr. Williams. Of Edward Green and others, inhabitants of the township of Saginaw, Saginaw county, praying for the organization of a certain township. Referred to the committee on towns and counties.

REPORTS.

Mr. Spencer, from the committee on university and school lands, to whom was referred a resolution of inquiry, relative to the propriety of giving separate certificates when land has been sold by the Superintendent of public instruction, and the purchaser has assigned a part of his interest in the purchase, submitted a report thereon, accompanied with a bill, entitled "A bill to amend an act to extend the time of payment of the university and school lands, and for other purposes;" which was read the first and second times, referred to the committee of the whole, and placed upon the general order, and the report was ordered to lie upon the table.

Mr. Spencer, from the same committee, to whom was referred sundry petitions, praying for the reduction of the price of university and school lands, sold and unsold; also, to whom was re-committed certain resolutions providing relief to certain settlers on the university lands, submitted a report thereon, accompanied with a bill entitled a "Bill to provide for the classi-

fication of lands selected by the state of Michigan, for university and state building purposes, to reduce the price thereof, and for other purposes; which was read the first and second times, referred to the committee of the whole, and placed upon the general order; and,

On motion of Mr. Renwick, the report was laid upon the table and ordered printed.

(See House Document No. 59.)

Mr. Bell, from the committee on banks and incorporations, to whom was referred a memorial of the citizens of Ypsilanti reported a "Bill to amend an act, entitled 'An act to incorporate the village of Ypsilanti, and the act or acts amendatory thereof;'" which was read the first and second times, referred to the committee of the whole, and placed upon the general order.

Mr. McClelland gave notice, that on some future day, he will ask leave to introduce a bill to incorporate the Monroe city band.

Mr. Larue gave notice, that on some future day, he will ask leave to introduce a bill to lay out and establish certain state roads.

The House took up for a third reading, the substitute for Senate bill number twenty-five, entitled "A bill to amend 'An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery,' &c., approved April 15, 1839, and to facilitate and render less expensive the collection of claims against corporations, and the directors and stockholders thereof;" which was read a third time and passed.

On motion of Mr. Howard,

The committee of the whole were discharged from the "Bill to define the eastern and southern boundaries of the township of Dearborn, Wayne county;" and, on his motion, the House took up the same for consideration.

Mr. Howard offered the following amendment to the first section, to be inserted after the words "sixty-eight" seventh line, "and in case said line does not intersect the northern end of the eastern line of farm number sixty-eight, then said east-

erly line shall be connected by the shortest practicable line with the northern end of the easterly line of said farm number sixty-eight;" which amendment was adopted, and the bill ordered to a third reading.

On motion of Mr. Harbaugh, the rule was suspended, and the bill read the third time and passed.

On motion of Mr. Ashman,

The House took up for consideration the "Bill relative to the Auditor General and State Treasurer, and the offices of both."

Said bill having been read the third time, and, the question being upon its final passage,

On motion of Mr. Renwick, the bill was again laid upon the table.

On motion of Mr. Champlin,

The House went into committee of the whole on the "Bill to provide for the return and collection of taxes;" Mr. Fuller in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by the House.

The bill being under consideration,

Mr. Pierce moved to further amend said bill, by striking out the words "twenty-five," in the eighth section and tenth line, and insert in lieu thereof, the word "twelve."

Mr. Axford moved to amend the amendment, by inserting "eighteen."

On motion of Mr. Gregory, a division of the question was ordered.

The question being taken on striking out, the same prevailed.

Mr. Bush moved to fill the blank with "twenty," which did not prevail.

The question recurring upon the motion to fill the blank with "eighteen," the same was also lost.

Mr. Hammond moved to fill said blank with "fifteen," which motion prevailed.

Mr. Gregory moved to further amend said bill, by striking

out all after the enacting clause, which was lost by yeas and nays, as follows:

YEAS

| | | |
|--------------|-----------------|----------------|
| Mr. Backus, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Foote, | Mr. Miller, | Mr. Underwood, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Gregory, | | |

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NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Axford, | Mr. Hammond, | Mr. Pierce, |
| Mr. Barbour, | Mr. Howard, | Mr. Renwick, |
| Mr. Bell, | Mr. Kenny, | Mr. Stockton, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, |
| Mr. Coleman, | Mr. Moran, | |

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Mr. Champlin moved to insert the following, to stand as section thirteen, which was adopted:

"Sec. 13. The Auditor General is hereby directed to transmit to the several county treasurers of this state, the several books in his office containing the lists of taxes for the respective counties remaining unpaid, having first computed and charged over the amount so remaining due, to the proper county, as it shall be on the first day of May next, and the county treasurers are hereby authorized to collect the same, according to the provisions of this act."

Mr. Pierce moved to strike out the words "twenty-five," in section eleven, third line, and insert in lieu thereof, the word "fifteen," which motion prevailed.

Mr. McReynolds moved to lay the bill upon the table, which was negatived by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Backus, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |
| Mr. Foote, | Mr. Lathrop, | Mr. Underwood, |

18

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Pierce, |
| Mr. Axford, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bell, | Mr. Howard, | Mr. Stockton, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, |
| Mr. Coleman, | Mr. Moran, | Mr. Speaker, |
| Mr. Dunham, | Mr. Mulhollan, | |

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Mr. Gregory moved to amend said bill by inserting after the word "day," in section eight, second line, the words "except the first day of the week," which amendment was adopted.

And the bill was then ordered to a third reading, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Axford, | Mr. Forbes, | Mr. Pierce, |
| Mr. Barbour, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bell, | Mr. Kenny, | Mr. Stockton, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, |
| Mr. Coleman, | Mr. Moran, | |

26

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Backus, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Foote, | Mr. Miller, | Mr. Underwood, |
| Mr. Gregory, | Mr. McReynolds, | Mr. Speaker, |

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Mr. Underwood, from the committee on enrolment, reported as correctly enrolled "An act to amend part three, title two, chapter five of the revised statutes, entitled 'of jurors.'"

Mr. Tucker, on leave, presented the petition of J. M. Wilson, praying for remuneration from the state for damages sustained in the year 1837, together with accompanying documents. Referred to the committee on claims.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Thursday, March 12, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the “Bill restricting the powers of sheriffs, and for other purposes,” and to respectfully inform you that the Senate were officially informed by House message spread upon the Senate journal of the 25th ult., “that the House had concurred in the amendments by the Senate to said bill,” and that, therefore, said bill had finally passed both houses.

Also, I return herewith the “Bill to amend titles four and five, part two of the revised statutes,” with amendments, which has passed the Senate as amended, and the concurrence of the House of Representatives is asked therein.

And further, I am directed by the Senate to inform you that the Senate have concurred in the amendments, (being a substitute,) by the House, to the “Bill to establish a fourth chancery circuit court in the state of Michigan,” and passed the bill as amended.

D. W. KELLOGG,
Secretary of the Senate.

And the “Bill to amend titles four and five, part two of the revised statutes,” being under consideration, on motion, the same was ordered to lie upon the table.

Mr. McClelland offered the following, which was unanimously adopted:

Resolved, That the Clerk of the House be instructed to return to the Senate, the “Bill restricting the powers of sheriffs, and for other purposes,” and inform the Senate that the House concurred in the amendments made to said bill by the Senate, but afterwards, and whilst the House had the control of the same, a motion was made, pursuant to the rules of the House, to re-consider the vote on concurring in the amendment which renders sheriffs ineligible for two successive terms of two years, and the motion to re-consider was carried; and then, on motion, the House refused to concur in said amendment, and

that no further action has since been had by the House in regard to said bill.

On motion of Mr. Champlin, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, there were absent, without leave, Messrs. Bell, Castle, Fuller and Harbaugh.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Thursday, March 12, 1840. }

To the Speaker of the House of Representatives:

SIR—I return herewith, the “Bill to authorize Joseph H. Kilborn to erect a dam across the Red Cedar river,” and am instructed to inform you that the Senate have receded from their amendment to the first section of said bill, and passed the bill accordingly.

Also, to inform you that the Senate have concurred in the amendment made by the House to the “Bill to amend chapter five, title three, part three of the revised statutes, entitled ‘of forcible entry and detainer.’”

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Champlin,

The House took up Senate “Bill to amend titles four and five, part two of the revised statutes,” and the amendments made by the Senate to said bill being under consideration, the House concurred in the same.

Mr. Howard laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That all contracts entered into by any commissioner of internal improvement or engineer, upon any of the works of internal improvement, which have been made or entered into without the sanction of law, or where previous appropriations have not been made by the legislature, the same

are hereby declared to be of no force or effect, on the part of this state.

On motion of Mr. LeBaron,

The committee of the whole were discharged from Senate bill number sixty-two, "to organize certain townships;"

And on his motion, the House took up the same for consideration, and the bill was then ordered to a third reading.

On motion of Mr. Champlin,

The rule was suspended, and the bill read the third time and passed.

On motion of Mr. Newton,

The committee of the whole were discharged from the "Bill to legalize the official acts of justices of the peace;"

And on his motion, the House took up the same for consideration.

Mr. Miller moved to amend said bill by adding the following: "*Provided*, This act shall not effect the rights of parties in any case now in court," which amendment did not prevail, and

On motion of Mr. Button, all after the enacting clause of said bill was stricken out, and

On motion of Mr. Tucker, the enacting clause was ordered to lie upon the table.

On motion of Mr. Champlin,

The committee of the whole were discharged from the "Bill to provide for the disposition of prisoners apprehended within the county of Ingham," and on his motion, the House took up the same for consideration, and the bill was ordered to a third reading.

On motion of Mr. Lathrop,

The rule was suspended and the bill read the third time and passed.

On motion of Mr. Renwick,

The House resolved itself into committee of the whole on Senate bill, substitute for House resolution, "to provide for a settlement with the Lake Erie and River Raisin railroad company, and also the Detroit and Pontiac railroad company;" Mr. Tucker in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with an amendment, which was non-concurred in by the House.

The bill being under consideration,

Mr. Renwick moved to strike out all after the fourth section of said bill.

Mr. McReynolds moved to amend the amendment by striking out all after the enacting clause; pending which,

Upon the motion of Mr. Barbour, a call of the House was ordered, and

On calling the roll, the following members were absent without leave: Messrs. Bell, Castle, Fuller, Hammond, Harbaugh and Sanborn.

Mr. Pierce asked and obtained leave of absence for Mr. Fuller.

Mr. McReynolds for Mr. Harbaugh.

On motion of Mr. Barbour, the sergeant-at-arms was directed to bring in the absentees.

On motion of Mr. McClelland, the further proceedings under the call were dispensed with.

The question recurring upon Mr. McReynolds' amendment to the amendment offered by Mr. Renwick, to the "Bill relative to the Lake Erie and River Raisin railroad company," the same was negatived by yeas and nays, as follows:

YEAS.

| | | |
|---------------|--------------|-----------------|
| Mr. Axford, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Miller, | Mr. Sprague, |
| Mr. Cook, | Mr. Moran, | Mr. Speaker, |
| Mr. Davis, | | |

13

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Howard, | Mr. Pierce, |
| Mr. Bush, | Mr. Johnson, | Mr. Renwick, |
| Mr. Button, | Mr. Kenny, | Mr. Stockton, |
| Mr. Carr, | Mr. Larue, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Turner, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Foote, | Mr. McClelland, | Mr. Walker, |
| Mr. Gregory, | Mr. McDonald, | Mr. Williams, |

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Mr. Button moved to lay the bill upon the table, which motion did not prevail.

The question recurring upon striking out all after the fourth section, the same prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Hammond, | Mr. Newton, |
| Mr. Backus, | Mr. Hart, | Mr. Pierce, |
| Mr. Barbour, | Mr. Kenny, | Mr. Renwick, |
| Mr. Bush, | Mr. Larue, | Mr. Spencer, |
| Mr. Carr, | Mr. McClelland, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Tucker, |
| Mr. Cook, | Mr. Miller, | Mr. Turner, |
| Mr. Coleman, | Mr. Moran, | Mr. Underwood, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Gregory, | | 28 |

NAYS.

| | | |
|---------------|--------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Lathrop, |
| Mr. Bird, | Mr. Howard, | Mr. McReynolds, |
| Mr. Button, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Champlin, | Mr. Johnson, | Mr. Williams, |
| Mr. Davis, | Mr. LeBaron, | Mr. Speaker, 15 |

Mr. Ingalls moved the indefinite postponement of the further consideration of said bill; which motion was lost, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Barbour, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Davis, | Mr. Larue, | Mr. Turner, |
| Mr. Foote, | Mr. Lathrop, | Mr. Williams, |
| Mr. Forbes, | Mr. Moran, | Mr. Speaker, 15 |

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Howard, | Mr. Pierce, |
| Mr. Bush, | Mr. Kenny, | Mr. Renwick, |
| Mr. Carr, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Tucker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Underwood, |
| Mr. Cook, | Mr. Miller, | Mr. Walker, |
| Mr. Gregory, | Mr. Mulhollan, | 26 |

Mr. Barbour moved to lay said bill upon the table, which was lost, by the following vote:

YEAS.

| | | |
|--------------|--------------|---------------|
| Mr. Axford, | Mr. Hart, | Mr. Moran, |
| Mr. Barbour, | Mr. Howard, | Mr. Spencer, |
| Mr. Button, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Davis, | Mr. Johnson, | Mr. Turner, |
| Mr. Foote, | Mr. Larue, | Mr. Williams, |
| Mr. Forbes, | Mr. Lathrop, | Mr. Speaker, |

18

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Bird, | Mr. Kenny, | Mr. Pierce, |
| Mr. Bush, | Mr. LeBaron, | Mr. Renwick, |
| Mr. Carr, | Mr. McClelland, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Tucker, |
| Mr. Champlin, | Mr. Miller, | Mr. Underwood, |
| Mr. Cook, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Coleman, | | |

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And the bill was then ordered to a third reading.

Mr. Button moved that the House take up the motion to reconsider the vote, striking out all after the enacting clause of the "Bill to provide for settling with the Detroit and Pontiac railroad company, and for other purposes."

The yeas and nays being ordered, the motion prevailed by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Ingalls, | Mr. McDonald, |
| Mr. Bird, | Mr. Johnson, | Mr. McReynolds, |
| Mr. Button, | Mr. Kenny, | Mr. Tucker, |
| Mr. Champlin, | Mr. Larue, | Mr. Turner, |
| Mr. Foote, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Forbes, | Mr. Lathrop, | Mr. Williams, |
| Mr. Howard, | Mr. McClelland, | Mr. Speaker, |

21

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Axford, | Mr. Davis, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bush, | Mr. Hammond, | Mr. Renwick, |
| Mr. Carr, | Mr. Hart, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Miller, | Mr. Stockton, |
| Mr. Cook, | Mr. Moran, | Mr. Walker, |
| Mr. Coleman, | Mr. Mulhollan, | |

20

On motion of Mr. Champlin, the bill was laid upon the table.

On motion of Mr. Ashman,

The House took up for consideration the "Preamble and

joint resolution," reported by the joint committee on the 4th inst., requesting our Senators and Representative in Congress to urge Congress to make suitable appropriations for the construction of a canal around the falls of Sault de Ste Marie.

The same were then read the third time and passed.

On motion of Mr. Renwick,

The committee of the whole were discharged from the further consideration of the "Bill to repeal the act creating the office of librarian, and for other purposes," and the same was taken up for consideration.

Mr. Davis moved to amend said bill by striking out all after the enacting clause; which motion was negatived, by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|-----------------|---------------|---|
| Mr. Davis, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Howard, | Mr. Moran, | Mr. Walker, | |
| Mr. Ingalls, | Mr. McReynolds, | | 8 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Hammond, | Mr. Newton, | |
| Mr. Backus, | Mr. Hart, | Mr. Pierce, | |
| Mr. Bird, | Mr. Kenny, | Mr. Renwick, | |
| Mr. Bush, | Mr. Larue, | Mr. Sprague, | |
| Mr. Button, | Mr. Lathrop, | Mr. Tucker, | |
| Mr. Carr, | Mr. McClelland, | Mr. Turner, | |
| Mr. Champlin, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Cook, | Mr. Miller, | Mr. Williams, | |
| Mr. Foote, | Mr. Mulhollan, | Mr. Speaker, | |
| Mr. Forbes, | | | 28 |

Mr. McReynolds moved to amend the fourth section, in the eighth line, by striking out "three dollars," and inserting in lieu thereof, "two dollars," which was negatived, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Button, | Mr. Moran, | Mr. Stockton, | |
| Mr. Davis, | Mr. Mulhollan, | Mr. Tucker, | |
| Mr. Howard, | Mr. McReynolds, | Mr. Turner, | |
| Mr. Ingalls, | Mr. Sanborn, | Mr. Walker, | |
| Mr. LeBaron, | Mr. Sprague, | Mr. Williams, | |
| Mr. McDonald, | | | 16 |

NAYS.

| | | |
|-------------|--------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McClelland, |
| Mr. Backus, | Mr. Gregory, | Mr. Miller, |

| | | |
|---------------|--------------|----------------|
| Mr. Bird, | Mr. Hammond, | Mr. Newton, |
| Mr. Bush, | Mr. Hart, | Mr. Pierce, |
| Mr. Carr, | Mr. Kenny, | Mr. Renwick, |
| Mr. Champlin, | Mr. Larue, | Mr. Underwood, |
| Mr. Cook, | Mr. Lathrop, | Mr. Speaker, |

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The bill was then ordered to a third reading.

On motion of Mr. Bush,

The rule was suspended, the bill read the third time and passed.

Mr. Kenny called up for consideration, the joint resolution reported by him, "to prohibit the running of cars on the railroads of this state on the Sabbath;" and the same was adopted, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Barbour, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Bird, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Stockton, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Cook, | Mr. Lathrop, | Mr. Turner, |
| Mr. Foote, | Mr. Miller, | Mr. Underwood, |
| Mr. Gregory, | Mr. Moran, | Mr. Williams, |
| Mr. Hammond, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Howard, | Mr. McReynolds, | |

26

NAYS.

| | | |
|-------------|-----------------|--------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Newton, |
| Mr. Axford, | Mr. Hart, | Mr. Pierce, |
| Mr. Bush, | Mr. Larue, | Mr. Renwick, |
| Mr. Button, | Mr. McClelland, | Mr. Sanborn, |
| Mr. Carr, | Mr. McDonald, | Mr. Walker, |
| Mr. Davis, | | |

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On motion, the House adjourned.

Friday, March 13, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were present except those absent on leave.

PETITIONS.

By Mr. Bell. Of sundry inhabitants of Kent county, praying that several towns may be attached thereto.

Also, a remonstrance of the citizens of Ottawa county against the division of said county; which were severally referred to the committee on towns and counties.

By Mr. Hammond. Of sundry inhabitants of Hillsdale and Branch counties, praying for the laying out of a state road. Referred to the committee on roads and bridges.

REPORTS.

Mr. Barbour, from the committee on claims, to whom was referred sundry claims, reported a bill entitled a "Bill to provide for the payment of certain claims therein named," which was read the first and second times, referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred Senate bill number fifty-eight, "in relation to the Michigan state bank," reported the same back to the House with an amendment, which was referred to the committee of the whole, and placed upon the general order.

Mr. Ashman, from the committee on roads and bridges, to whom was referred Senate bill number fifty-six, "to amend a certain part of the revised statutes, entitled 'of highways, bridges and ferries,'" reported the same back to the House with an amendment, which was referred to the committee of the whole, and placed upon the general order.

Mr. Howard, from the committee on internal improvement, to whom was referred the memorial of William F. Pease and others, praying for an appropriation to construct a railway, to facilitate the passage of vessels from Lake Huron into Lake Superior, reported adverse to the prayer of the memorialists.

The committee were discharged from the further consideration of the subject, and

On motion, the report was ordered to lie upon the table.

Mr. Howard, from the same committee, to whom was referred the bill "relative to the Northern railroad," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Also, reported back Senate bill "to provide for a settlement

with the Ypsilanti and Tecumseh railroad company," without amendment, which was referred to the committee of the whole, and placed upon the general order.

Mr. McClelland, on leave, and pursuant to previous notice, introduced a bill entitled, a "Bill to incorporate the Monroe city band," which was read the first and second times, and referred to the committee on banks and incorporations.

Mr. Underwood, on leave and pursuant to previous notice, introduced a bill entitled a "Bill to define and amend chapter first, title five, part first of the revised statutes," which was read the first and second times and referred to the committee on ways and means.

Mr. Coleman laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of the State be directed to furnish the county clerks of the several counties within the state, with a sufficient number of copies of the revised statutes, so that each organized town shall be entitled to three copies, to be forwarded by said county clerks to the several township clerks, and to be by them distributed to the supervisor and road commissioner and one of the overseers of the highways in said township.

On motion of Mr. Lathrop,

Resolved, That a select committee of three be appointed, whose duty it shall be to inquire into the situation of the loan of forty thousand dollars, authorized by the law of April 19, 1839, "supplementary to the law authorizing the building of the state penitentiary," and report to this House how much of said loan has been received, how much expended, and the situation of the balance of said loan, and the time when it will probably be received, and that the committee have power to send for persons and papers.

The Chair announced as such committee, Messrs. Lathrop, Bush and Larue.

Mr. Bell gave notice, that on some future day, he should ask leave to introduce a bill to encourage the manufacture of

salt by the citizens of this state, by exempting from taxation that article and the works necessary for its manufacture.

Mr. Hammond gave notice that he would, on some future day, ask leave to introduce "A bill to exempt from execution, all grain while growing, and other unharvested crops."

The House took up for a third reading the Senate bill, substitute for House joint resolution, "to provide for a settlement with the Lake Erie and River Raisin railroad company, and also the Detroit and Pontiac railroad company."

Mr. Davis moved to amend the fourth section of said bill by adding the following thereto:

"And provided further, That if citizens of this state shall deposit with the Treasurer aforesaid, the bills of said company issued in pursuance of said charter and yet unredeemed by said company, the Treasurer is hereby required to deduct the bills so deposited, from the amount so awarded to said company, and the Auditor is hereby authorized to draw his warrant for the balance remaining due after such deduction."

Mr. Gregory moved to lay the bill upon the table, which was lost by the following vote:

YEAS.

| | | | |
|--------------|---------------|--------------|----|
| Mr. Barbour, | Mr. Harbaugh, | Mr. Moran, | |
| Mr. Carr, | Mr. Howard, | Mr. Newton, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Cook, | Mr. Larue, | Mr. Spencer, | |
| Mr. Davis, | Mr. Lathrop, | Mr. Sprague, | |
| Mr. Gregory, | Mr. Miller, | Mr. Speaker, | 18 |

NAYS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Ashman, | Mr. Dunham, | Mr. Mulhollan, | |
| Mr. Axford, | Mr. Foote, | Mr. McReynolds, | |
| Mr. Backus, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Bell, | Mr. Hart, | Mr. Renwick, | |
| Mr. Bird, | Mr. Johnson, | Mr. Stockton, | |
| Mr. Bush, | Mr. Kenny, | Mr. Tucker, | |
| Mr. Button, | Mr. LeBaron, | Mr. Underwood, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, | |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, | |
| Mr. Coleman, | | | 28 |

The question recurring upon the adoption of Mr. Davis' amendment,

Mr. Bush offered the following amendment to the amendment, which was not adopted:

"And further, That the State Treasurer, after giving public notice one week in the different papers of this city, shall receive any promissory note or notes against any member of this Legislature into the treasury; and said Treasurer shall, on the presentment of any certificate by any member, present any note which may be in his possession, which note must first be paid and then the balance shall be paid by the Treasurer on said certificate."

The question again recurring upon the amendment proposed by Mr. Davis, it was rejected, by yeas and nays; as follows:

YEAS.

| | | |
|--------------|---------------|--------------|
| Mr. Axford, | Mr. Davis, | Mr. Larue, |
| Mr. Barbour, | Mr. Foote, | Mr. Lathrop, |
| Mr. Bird, | Mr. Forbes, | Mr. Moran, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Carr, | Mr. Howard, | Mr. Spencer, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Cook, | Mr. Johnson, | Mr. Speaker, |

21

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hart, | Mr. Pierce, |
| Mr. Backus, | Mr. Kenny, | Mr. Renwick, |
| Mr. Bell, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Bush, | Mr. McClelland, | Mr. Tucker, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Turner, |
| Mr. Champlin, | Mr. Miller, | Mr. Underwood, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Gregory, | Mr. McReynolds, | Mr. Williams, |
| Mr. Hammond, | Mr. Newton, | |

26

Mr. McReynolds moved further to amend said bill by adding the words following to the third section: "free from all incumbrances;" which amendment prevailed.

Mr. Champlin moved to further amend said bill by adding the three following additional sections:

Sec. 5. That from and after the passage of this act and the execution and delivery of the conveyance and securities provided for in the previous section, the said road, with all its appurtenances, and all the property received with the same, shall be under the control of the board of internal improvement; and

all acts or parts of acts relating to the railroads of this state, now constructed or being constructed, shall apply to this road, equally and in like manner as to other roads or public works of the state."

"Sec. 6. It shall be the duty of the Auditor General, by and with the advice of the Attorney General, to prescribe such instruments, in writing, as are to be executed by said company, or others, under the provisions of this act."

"Sec. 7. This act shall take effect from and after its passage."

Which were adopted.

Mr. Lathrop offered the following amendment to the first section; "and it may and shall be lawful for said commissioners, if in their opinion it is or may be for the interest of the state, to release and quit claim so much of the Southern railroad as lies parallel with, and contiguous to said chartered company's road, to so release and quit claim such part of the Southern railroad, and settle with said company accordingly."

Mr. McClelland moved to amend the amendment by adding the following: "*And provided further*, the committee have the power of ordering the Southern railroad to be turned or terminated on the lands on which the state prison in Jackson county is erected and in which Mr. Lathrop of Jackson, is interested."

The question being taken upon the amendment to the amendment, it did not prevail.

The question recurring upon the adoption of the original amendment, it was negatived, by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|---------------|--------------|----|
| Mr. Barbour, | Mr. Forbes, | Mr. Lathrop, | |
| Mr. Button, | Mr. Gregory, | Mr. Renwick, | |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sanborn, | |
| Mr. Cook, | Mr. Howard, | Mr. Spencer, | |
| Mr. Davis, | Mr. Ingalls, | Mr. Sprague, | 15 |

NAYS.

| | | |
|-------------|--------------|-----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hart, | Mr. Newton, |
| Mr. Bell, | Mr. Johnson, | Mr. Pierce, |
| Mr. Bird, | Mr. Kenny, | Mr. Stockton, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |

| | | |
|---------------|-----------------|----------------|
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. McDonald, | Mr. Walker, |
| Mr. Coleman, | Mr. Miller, | Mr. Williams, |
| Mr. Dunham, | Mr. Moran, | Mr. Speaker, |
| Mr. Foote, | Mr. Mulhollan, | 32 |

The question recurring upon the passage of the bill, the same was passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Howard, | Mr. Renwick, |
| Mr. Bush, | Mr. Kenny, | Mr. Spencer, |
| Mr. Carr, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Castle, | Mr. McClelland, | Mr. Tucker, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Underwood, |
| Mr. Champlin, | Mr. Miller, | Mr. Walker, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Dunham, | | 31 |

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Barbour, | Mr. Harbaugh, | Mr. Moran, |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Cook, | Mr. Johnson, | Mr. Sprague, |
| Mr. Davis, | Mr. Larue, | Mr. Turner, |
| Mr. Foote, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Forbes, | | 16 |

The title of said bill being under consideration,

Mr. McClelland moved to strike out the words "and also the Detroit and Pontiac railroad company," which motion prevailed, and the title as amended was adopted.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Thursday, March 12, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, for the concurrence of the House, a "Bill to lay off and define the boundaries of certain counties," which the Senate has passed.

Also, return herewith, the "Bill to regulate the salary of Governor, and for other purposes," which the Senate has

passed with an amendment, in which the concurrence of the House of Representatives is respectfully asked.

Also, I am instructed, respectfully, to inform you, that the Senate do not concur in the amendments by the House to the "Bill to provide for the foreclosure of mortgages by advertisement," and that the Senate have appointed a committee of conference on their part, on said bill, consisting of Messrs. Drake, Murphy and LeRoy; and a like committee on the part of the House, is respectfully requested.

Further, also, to inform you, that the Senate do not adopt the report of the committee of conference on the "Bill to abolish the office of bank commissioners," but refuse to recede from their amendment to House substitute.

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to lay off and define the boundaries of certain counties," was read the first and second times, and referred to the committee on towns and counties.

And the House refused to concur in the amendment made by the Senate to the "Bill to regulate the salary of Governor, and for other purposes."

On motion Mr. Howard,

A committee of conference was appointed on the part of the House, consisting of Messrs. Howard, Pierce and Stockton, to act with the committee on the part of the Senate, on the existing disagreement upon the "Bill to provide for the foreclosure of mortgages by advertisement;" and,

On motion of Mr. McClelland,

The House adhered to their disagreement in relation to the "Bill to abolish the office of bank commissioners."

On motion of Mr. Barbour,

The House took up the "Bill to provide for the assessment of damages occasioned by flowing or otherwise injuring lands by mills and dams;" (said bill having been read the third time,) and the question being upon its final passage,

Mr. Foote moved an amendment to said bill by adding the following to the sixteenth section:

"In case complaint is made as aforesaid, that any dam occasions the flowing of lands which the complainant wishes to use for milling purposes, or in any way interferes with any other mill privilege, the jury shall examine into the matter of complaint, and if in their opinion said dam does interfere with complainant's privilege, they shall ascertain and determine how much it will be necessary to lower said dam, in order to clear the lands of the complainant; and they shall also assess the full value of the mill privilege, and the land flowed, and the respondent may elect, to pay the amount so assessed by the jury, or take down the dam so as to clear the lands of the complainant; and if the respondent neglect or refuse to pay the damages so assessed, and also neglects or refuse to take down the dam, for three months after the verdict is rendered, the judge shall order the sheriff of the county to take down said dam so as to clear the lands of the complainant;" which amendment was not adopted.

Mr. Bush moved to further amend said bill by striking out all after the enacting clause, which motion prevailed; and,

On motion of Mr. Renwick, the further consideration of the enacting clause of said bill, was indefinitely postponed.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from Senate bill number fifty-eight, "in relation to the Michigan state bank," and, on his motion, the House took up the same for consideration; and,

The amendments reported to the House by the committee on banks and incorporations, were concurred in; and,

On motion of Mr. Bell, the bill was laid upon the table.

On motion of Mr. Bell,

The committee of the whole were discharged from the "Bill to authorize the building of a certain dam therein named;" and on his motion, the House took up the same for consideration.

Mr. Bell moved to amend said bill by adding the following clause at the end of the third section: "and the legislature may at any time so alter or amend this act as to provide for the im-

provement of the navigation of said outlet," which was adopted.

Mr. Ashman moved to further amend said bill by striking out all of the second section, which motion did not prevail.

Mr. Carr moved to further amend the bill by striking out all of the second section after the word "accordingly;" which motion prevailed, and

The bill was then ordered to a third reading.

On motion of Mr. LeBaron,

The rule was suspended and the bill read the third time and passed.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act to authorize Joseph H. Kilborn to erect a dam across the Red Cedar river."

On motion, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

On calling the roll, the members were all present, except those absent on leave.

On motion of Mr. Champlin,

The committee of the whole were discharged from the "Bill to repeal the act entitled 'An act to establish the State bank of Michigan,'" and the act entitled "An act supplementary to the act entitled 'An act to establish the State bank of Michigan,'" and on his motion, the House took up the same for consideration.

Mr. Champlin moved the following amendment, to come in at the end of the first section: "Suspended one year from the passage of this act;" which was adopted.

Mr. Harbaugh moved to further amend said bill, by adding the following additional section:

"Sec. 2. This act shall take effect and be in force from and after its passage;" which was adopted.

And the bill was then ordered to a third reading.

On motion of Mr. Harbaugh,

The rule was suspended, and the bill read the third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McDonald, |
| Mr. Axford, | Mr. Forbes, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Gregory, | Mr. Newton, |
| Mr. Bell, | Mr. Hammond, | Mr. Pierce, |
| Mr. Button, | Mr. Hart, | Mr. Spencer, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Castle, | Mr. Howard, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Turner, |
| Mr. Champlin, | Mr. Johnson, | Mr. Walker, |
| Mr. Cook, | Mr. McClelland, | Mr. Speaker, |
| Mr. Dunham, | | |

31

NAYS.

| | | |
|-------------|------------|--------------|
| Mr. Backus, | Mr. Larue, | Mr. Renwick, |
| Mr. Bird, | | |

4

On motion of Mr. Hammond,

The claim of the Coldwater Observer, reported back by the committee on claims, was re-committed to said committee.

Mr. Bell moved that the enacting clause of bill number eighty-eight, "to provide for the appraisal of property taken on execution, and for other purposes," be taken up by the House; which motion prevailed.

Mr. Bell moved to refer said enacting clause to a select committee of five, which motion was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McClelland, |
| Mr. Barbour, | Mr. Hammond, | Mr. Miller, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Button, | Mr. Howard, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Tucker, |
| Mr. Champlin, | Mr. Larue, | Mr. Turner, |
| Mr. Dunham, | | |

19

NAYS.

| | | |
|-------------|----------------|--------------|
| Mr. Axford, | Mr. Gregory, | Mr. Pierce, |
| Mr. Backus, | Mr. Hart, | Mr. Renwick, |
| Mr. Bird, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. McDonald, | Mr. Walker, |
| Mr. Cook, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Forbes, | | |

19

On motion of Mr. Bell, the said enacting clause was ordered to lie upon the table.

Mr. Tucker moved a re-consideration of the vote on the passage of the joint resolution prohibiting the running of cars on the railroads of this state on the Sabbath, and on his motion, the motion to re-consider was ordered to lie upon the table.

On motion of Mr. Harbaugh,

The House took up for consideration the joint resolutions reported by the select committee, "relative to the interference of the United States troops with the construction of the ship canal around the falls of Sault de Ste Marie."

Mr. Turner moved to amend the first resolution by striking out the word "gross," which amendment prevailed.

Mr. Turner moved to amend the third resolution by striking out the word "demanded," and inserting in lieu thereof, the word "requested," which also prevailed.

On motion of Mr. Harbaugh, the following was adopted as an additional resolution :

Resolved, That the Governor of this state be, and he is hereby requested to transmit to our Senators and Representative in Congress, authenticated copies of the foregoing resolutions."

And the resolutions, as amended, were unanimously adopted.

On motion of Mr. Champlin,

The House resolved itself into committee of the whole on the " Bill to incorporate the Jonesville railroad company;" Mr. Stockton in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by this House.

The bill then being under consideration,

Mr. Pierce moved to amend the same by striking out in the eighth section, all from the word "persons," in the fifth line, to the word "which," in the eighth line; which motion prevailed.

Mr. Button moved to further amend said bill by striking out all after the enacting clause.

Mr. McClelland moved to amend the amendment by inserting the following sections, to stand as sections fifteen and sixteen:

"Sec. 15. Said railroad company shall never be entitled to any damages on account of any similar improvements made by the state, that may render its stock less valuable."

"Sec. 16. The legislature of this state may alter or amend this act by a vote of two-thirds of each house;" which amendment was adopted.

The question recurring upon striking out all after the enacting clause, the same did not prevail.

Mr. Pierce moved to further amend said bill by striking out all of the tenth section after the word "same," in fourth line; which motion did not prevail.

Mr. Button moved to amend said bill by striking out in the sixth section, first line, the word "fifty," and inserting in lieu, the word "eighteen;" which was not adopted.

Mr. McClelland offered the following additional section, to stand as section four; which was adopted:

"Sec. 4. If said corporation shall not within two years, commence the construction of said railroad, and shall not, within six years from the passage of this act, construct and put in operation the whole of said road, then the rights, privileges and powers of said corporation shall be null and void."

Mr. Pierce offered the following additional section, to stand as section seventeen; which was also adopted:

"Sec. 17. The stockholders of said company shall be liable at all times for the debts of said company to the extent of the interest of any stockholder in the stock of said company."

On motion of Mr. McReynolds,

The vote on Mr. Pierce's motion to strike out all after the word "same," in the fourth line of tenth section, was reconsidered, and the question recurring upon striking out, the same prevailed.

Mr. Sprague moved to further amend said bill by striking out section thirteen; which motion did not prevail.

And the bill was then ordered to be engrossed for a third reading.

On motion of Mr. Harbaugh,

The House resolved itself into committee of the whole on the "Bill to incorporate the Port Sheldon land company;" Mr. Bush in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House without amendment.

On motion of Mr. Hammond,

All after the enacting clause of said bill was stricken out, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Axford, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Backus, | Mr. Gregory, | Mr. Pierce, |
| Mr. Barbour, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bird, | Mr. Hart, | Mr. Spencer, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Button, | Mr. Johnson, | Mr. Tucker, |
| Mr. Carr, | Mr. Kenny, | Mr. Turner, |
| Mr. Castle, | Mr. Lathrop, | Mr. Walker, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Williams, |
| Mr. Coleman, | Mr. McDonald, | Mr. Speaker, |
| Mr. Dunham, | Mr. Moran, | |

35

NAYS.

| | | |
|---------------|-------------|--------------|
| Mr. Bell, | Mr. Howard, | Mr. Miller, |
| Mr. Harbaugh, | Mr. Larue, | Mr. Sanborn, |

6

On motion of Mr. Renwick,

The further consideration of the enacting clause of said bill was indefinitely postponed.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, the act entitled "An act to provide for the immediate effect of an act entitled 'An act to provide for a district court in the county of Wayne.'"

Also, an act entitled "An act to amend part three, title four, chapter nine, of the revised statutes, 'of the lien of mechanics and others.'"

Also, an act entitled "An act for the relief of the Monroe and Ypsilanti railroad."

WILLIAM WOODBRIDGE.

Executive Office, March 13, 1840.

The Chair also announced a special message from the Executive, informing the Legislature that he had been advised of the passing of a resolution by Congress, requesting the Governors of the several states of the United States, to furnish annually, for the use of the Congressional library, all reports and documents relative to their respective states, &c., and asked the Legislature to adopt such measures as would enable him to comply with said request.

Mr. Harbaugh moved that the message be referred to the committee on the judiciary, which motion did not prevail.

On motion, the same was referred to the committee on the library.

The Chair also announced a special message from the Executive, relative to the appointment, by this state, of commissioners to take acknowledgment and proof of deeds and instruments under seal in other states; which, with the accompanying documents, were referred to the committee on the judiciary.

On motion of Mr. Turner,

Resolved, That the majority of the committee on the five million loan be directed to report to this House to-morrow morning, if practicable.

Mr. McReynolds, from the majority of the committee on the five million loan, made a report thereon.

On motion of Mr. McClelland, the report was laid upon the table; and on his motion, the reports of both the majority and minority of said committee were ordered printed.

(See House Document No. 60.)

On motion of Mr. Hammond,

The committee of the whole were discharged from the "Bill

to provide for the punishment of crimes at common law;" and, on his motion, the House took up the same for consideration.

Mr. Harbaugh. moved to amend said bill by striking out all after the enacting clause; which was negatived, by yeas and nays, as follows:

YEAS.

Mr. Coleman,
Mr. Forbes,

Mr. Hart,
Mr. Harbaugh,

Mr. LeBaron,

5

NAYS.

Mr. Axford,
Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Dunham,

Mr. Foote,
Mr. Gregory,
Mr. Hammond,
Mr. Howard,
Mr. Ingalls,
Mr. Johnson,
Mr. Kenny,
Mr. Larue,
Mr. Lathrop,
Mr. McClelland,
Mr. McDonald,
Mr. Miller,

Mr. Moran,
Mr. Mulhollan,
Mr. McReynolds,
Mr. Newton,
Mr. Pierce,
Mr. Spencer,
Mr. Sprague,
Mr. Turner,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

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And the bill was then ordered to a third reading.

On motion of Mr. Backus, the rule was suspended, and the bill read the third time and passed.

Mr. Barbour offered the following resolution:

Resolved, That the select committee on abolition, to whom was referred certain petitions, be requested to report to this House at as early a day as practicable.

Mr. McReynolds moved to amend the resolution so that the committee be required to report forthwith; pending which,

Mr. McClelland moved to adjourn; which motion was lost.

The question recurring upon the amendment of Mr. McReynolds,

Mr. Hammond moved to amend the amendment so that all standing and select committees be requested to report to this House on the various subjects to them referred, on or before Monday next; which motion prevailed, and the resolution, as amended, was then adopted.

Mr. Bell gave notice that he should, at some future day,

ask leave to bring in a bill for the relief of the county of Ottawa.

On motion of Mr. Hammond, the House adjourned until Monday morning, at ten o'clock.

Monday, March 16, 1840.

The House met pursuant to adjournment.

And on calling the roll, there were absent without leave, Messrs. Axford, Button, Davis, Forbes and McClelland.

PETITIONS.

By Mr. Backus. Of the Monroe and Ypsilanti railroad company, praying for a loan of railroad iron. Referred to the committee on internal improvement.

By Mr. Bell. Of sundry inhabitants of the county of Oceana, praying that certain townships in said county may be set off and attached to Kent county. Referred to the committee on towns and counties.

Also, the claim of Wm. H. Drake, for services rendered in the office of the Secretary of State. Referred to the committee on claims.

REPORTS.

Mr. Barbour, from the committee on claims, to whom was referred the claim of John M. Chase for additional compensation for services as clerk in the office of the Auditor General, reported adverse to the allowance of said claim.

Mr. Barbour, from the same committee, to whom was referred the claim of Henry Howard, for office rent, reported that by a resolution passed and approved June 22, 1837, directing the several offices of Secretary of State, Treasurer, and Auditor General to be kept at the capitol unless said office room be furnished at the expense of said officers. The committee, therefore, report against the allowance of said claim.

Also, reported against the allowance of the claim of Peter Deanoyers for office rent, for the same reason.

Also, reported against the claim of Cyrus Howard, Esq., for

the reward offered for the alledged apprehension and conviction of the person that set fire to the bridge across the River Rouge, and the committee were discharged from the further consideration of said claims.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act to amend titles four and five, part two of the revised statutes; also, part two, title seven, chapter five of the same, 'relative to guardians and wards.'"

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the "Bill to incorporate the Monroe city band," reported the same back to the House without amendment, which was referred to the committee of the whole and placed upon the general order.

Mr. Champlin, from the committee on towns and counties, reported a "Bill to organize certain townships, and for other purposes," which was read the first and second times, referred to the committee of the whole and placed upon the general order.

Mr. Champlin, from the same committee, to whom was referred Senate bill "to lay off and define the boundaries of certain counties," reported the same back to the House without amendment; which was referred to the committee of the whole and placed upon the general order.

Mr. Kenny, from the select committee to whom was referred several petitions of sundry inhabitants of the state, praying the suppression of the traffic in intoxicating drinks by legislative enactment, submitted a report thereon, which,

On motion of Mr. Champlin, was laid upon the table and ordered printed.

(See House Document No. 61.)

Mr. Turner, from the select committee, to whom was referred the petition of sundry inhabitants of Livingston county, praying for the passage of an act granting trial by jury to the colored inhabitants of this state, reported the same back to the House, and asked to be discharged from its further consideration, and further asked its reference to the committee on the judiciary.

Mr. Harbaugh moved that the said petition be laid upon the table, which motion was lost.

The question recurring upon referring the same to the judiciary committee, it did not prevail.

On motion of Mr. McReynolds, said petition was referred to the committee of the whole.

Mr. Turner, from the same committee, to whom was referred a petition of sundry free colored inhabitants of this state, requesting an alteration in the constitution, giving them the rights and privileges of citizens, reported the same back to the House, and asked to be discharged from its further consideration, and that it may be referred to the committee on the judiciary.

And the House refused to discharge said committee from the further consideration of said petition.

Mr. Backus, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the propriety of compelling the party applying for a struck jury, to pay the jurors.

Also, a resolution directing them to inquire into the expediency of so amending the law that the redemption on the sale of real estate on mortgages for the purchase money, be extended to the same time as now allowed in sales on execution.

Also, a resolution instructing them to inquire whether the provisions of the laws of this state, relative to the taxation of stocks in corporations are sufficiently explicit, or require amendment.

Also, a resolution instructing them to inquire into the expediency of rendering judgments of courts of record, and judgments from justices' court, exceeding the sum of twenty-five dollars, by being filed in the office of the register of deeds of the respective counties, a lien on real estate, reported the same severally back to the House, and the committee were of the opinion that no action of this Legislature is necessary in relation to said several subjects submitted to their consideration, and were discharged from the further consideration of the same.

Mr. Backus, from the same committee, to whom was refer-

red the Governor's message in relation to the passage of an act to give immediate effect to "An act to establish a district court for the county of Wayne," reported the same back to the House, and asked leave to be discharged from its further consideration inasmuch as a bill from the Senate has already passed the House providing for that object, and the committee were accordingly discharged.

Mr. Backus, from the same committee, to whom was referred Senate bill "to amend part third, title first of the revised statutes," reported the same back to the House, and adverse to its passage, which was referred to the committee of the whole and placed upon the general order.

Mr. Backus, from the same committee, to whom was referred sundry resolutions of the county commissioners of Washtenaw county, relative to an alteration of the law in regard to the payment of interest on loans made by the Superintendent of Public Instruction to counties, reported the same back to the House and asked its reference to the committee on university and school lands, which was so referred.

Mr. Backus, from the same committee, to whom was referred the petition of Benjamin Drake, of the county of Kalamazoo, praying that a certain judgment obtained against him by the Superintendent of Public Instruction may be canceled, reported the following resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Superintendent of Public Instruction be, and he is hereby authorized and directed to cancel and discharge a judgment recovered against Benjamin Drake, of Kalamazoo county, in the circuit court of said county, upon a note given by said Drake for the sum of one hundred and fifty dollars, for a lease of the west quarter of section eighteen, township two south, of range eleven west, which was laid upon the table according to rule.

Mr. Champlin, from the committee on towns and counties, to whom was referred the petition of John C. Salisbury and others, to change the name of the township of Tyrone, in the county of Livingston.

Also, the petition of sundry inhabitants of the township of Keeler, Van Buren county, for the alteration of the name of said town, reported the same back to the House, and the committee were discharged from the further consideration of said petitions.

Mr. Hammond, from the committee on the judiciary, to whom was referred a "Bill to amend part first, title nine, chapter five of the revised statutes," reported a substitute therefor, which was referred to the committee of the whole, and placed upon the general order.

Mr. Hammond, on leave, and pursuant to previous notice, introduced a bill, entitled "A bill to exempt grain while growing and other unharvested crops, from execution;" which was twice read, and referred to the committee on the judiciary.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act relative to filing of oaths of office and bonds of certain civil officers."

Also, an act entitled "An act to incorporate the Grand Rapids bridge company."

WILLIAM WOODBRIDGE.

Executive Office, March 13, 1840.

Also, the following:

To the House of Representatives:

I have this day approved, signed, and deposited in the office of the Secretary of State, an act entitled "An act to establish two additional chancery circuits in the state of Michigan."

Also, an act entitled "An act to amend part four, title one, chapter four of the revised statutes, and for other purposes."

Also, an act entitled "An act to amend part three, title two, chapter five of the revised statutes, entitled 'of jurors.'"

Also, an act entitled "An act to grant certain privileges and exemptions to the firemen of the city of Detroit, and others."

And also, an act entitled "An act to provide for laying out

a state road from the village of Schoolcraft, in the county of Kalamazoo, to the village of Albion, in the county of Calhoun, and for other purposes,"

WILLIAM WOODBRIDGE.

Executive Office, March 14, 1840.

The Chair also announced a message from the Executive, relative to publishing a statement of the receipts and expenditures of the government, and attaching the same to the laws of each session, which was read and referred to the committee on ways and means.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Friday, March 13, 1840. }

To the Speaker of the House of Representatives:

SIR—I am directed by the Senate to transmit a joint resolution relative to furnishing certain documents, &c., to the Detroit young men's society, and inform you that the Senate have passed the same, and respectfully ask the concurrence of the House of Representatives therein.

Also, to inform you that the Senate have concurred in the amendment by the House to the "Bill to extend the powers of county commissioners in certain cases," &c.

And further, I am instructed to return to the House the substitute for the Senate bill "to authorize the anticipation of certain instalments of the five million loan," with sundry amendments thereto by the Senate, in which the concurrence of the House of Representatives is respectfully asked.

D. W. KELLOGG,
Secretary of the Senate.

And the joint resolution relative to the Detroit young men's society, was read twice, referred to the committee of the whole and placed upon the general order.

The "Bill to authorize the anticipation of certain instalments of the five million loan," being under consideration, the House concurred in the first amendment made by the Senate to said bill.

Mr. Hammond then moved that the bill be made the special order for this afternoon, which motion did not prevail.

Mr. Kenny moved that the bill be ordered to lie upon the table, and made the special order of the day for to-morrow.

Mr. Ashman moved so to amend the motion that the amendments made to said bill by the Senate, be printed.

Which amendment was accepted by Mr. Kenny, and his motion as amended, prevailed by yeas and nays, as follows:

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Pierce, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Howard, | Mr. Spencer, |
| Mr. Bell, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. Kenny, | Mr. Stockton, |
| Mr. Castle, | Mr. Larue, | Mr. Turner, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Underwood, |
| Mr. Champlin, | Mr. Miller, | Mr. Walker, |
| Mr. Coleman, | Mr. Moran, | Mr. Williams, |
| Mr. Foote, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Gregory, | Mr. Newton, | |

32

NAYS.

| | | |
|-------------|--------------|-----------------|
| Mr. Bird, | Mr. Hart, | Mr. Lathrop, |
| Mr. Cook, | Mr. LeBaron, | Mr. McReynolds, |
| Mr. Fuller, | | |

7

The Chair announced a message from the Senate, in the words following:

SENATE CHAMBER, }
Saturday, March 14, 1840. }

To the Speaker of the House of Representatives :

SIR—I return herewith, by direction of the Senate, the “Bill to vacate the seat of justice for the county of Branch, and to re-establish the same.”

The “Bill to provide for the sale of certain lands to settlers thereon, and for other purposes.”

And the “Bill for the regulation of internal improvement,” all of which the Senate have passed with amendments, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the amendments made by the Senate to the "Bill to vacate the seat of justice for the county of Branch."

Also, in the amendments made to the "Bill to provide for the sale of certain lands to the settlers thereon," &c.

Also, in the amendments made to the "Bill for the regulation of internal improvement."

Mr. Backus offered the following resolutions:

Resolved, That a select committee of five be appointed by the House of Representatives, to investigate all the accounts, contracts and proceedings of the board of internal improvement, from the organization of the first board up to the present time, with power to swear all witnesses, and to send for persons and papers.

Be it further resolved, That said committee have power to sit during the recess, at such place or places on the several lines of internal improvement as they shall deem necessary for the purposes of the investigation, and report their proceedings to the Governor for publication, at the earliest practicable period.

Mr. Howard moved to lay the same upon the table, which motion was lost.

Mr. Spencer moved to amend the same by striking out "committee," and inserting in lieu thereof, "commissioners of internal improvement," which motion was also lost.

The question recurring upon the adoption of the resolutions, the same were adopted.

The Chair announced as such committee, Messrs. Backus, Tucker, Stockton, Brown and Dunham.

Mr. Underwood gave notice that at some future day, he will ask leave to introduce a "Bill to incorporate the Adrian young men's literary association."

The House took up for a third reading, the "Bill to provide for the return and collection of taxes."

The bill having been read a third time,

Mr. Hammond offered a substitute therefor, and on his mo-

tion, the bill was laid upon the table, and the substitute ordered printed.

The House then took up for a third reading, the "Bill to incorporate the Jonesville railroad company," which was read the third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, |
| Mr. Barbour, | Mr. Gregory, | Mr. Moran, |
| Mr. Bell, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Bird, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Carr, | Mr. Howard, | Mr. Pierce, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Kenny, | Mr. Spencer, |
| Mr. Cook, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Williams, |
| Mr. Foote, | Mr. McDonald, | Mr. Speaker, 33 |

NAYS.

| | | |
|--------------|--------------|-------------|
| Mr. Axford, | Mr. Sprague, | Mr. Turner, |
| Mr. Ingalls, | | |

4

On motion of Mr. Harbaugh,

The House took up Senate bill number fifty-eight, "in relation to the Michigan state bank," which was then read the third time and passed.

On motion of Mr. Turner,

The House took up for consideration, the "Bill in reference to the university of Michigan;" and on his motion, the same was made the special order of the day for Wednesday next.

On motion of Mr. Champlin,

The committee of the whole were discharged from Senate bill "to amend a certain part of the revised statutes, entitled 'of highways, bridges and ferries;" and, on his motion, the House took up the same for consideration, and,

On motion of Mr. Hammond,

The said bill was re-committed to the committee on roads and bridges.

On motion of Mr. Lathrop,

The House resolved itself into committee of the whole, on the "Bill to incorporate the Jackson county mutual fire insurance company;" Mr. Larue in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments; which were concurred in.

The bill then being under consideration, Mr. Pierce moved to amend the seventh section in the eleventh line, by striking out the words, "the whole amount," and inserting in lieu thereof the words, "such portion as has been assessed;" which amendment was not adopted.

Mr. Bell moved to amend the ninth section by adding the following proviso:

"And a good and perfect release of the premises pledged by such member, as contemplated and required by the fifth section of this act, shall be thereupon made and executed by said company to said member;" which amendment was adopted.

Mr. Kenny moved to amend the sixth section, by inserting after the word "at," in the eleventh line, the words "the same or," which was also adopted, and the bill was then ordered to a third reading.

On motion of Mr. Barbour,

The rule was suspended; and the question being upon the final passage of the bill,

Mr. Lathrop moved to further amend said bill by filling the blanks in the first and twelfth sections, with the following names: "Martin B. Medberry, John Daniels, Jeremiah Marvin, William Jackson, George W. Gorham, Rufus Tiffany, Edward Lewis, jr., Sherman Eastman, John Bolder, Roswell B. Rexford, Henry Acker, David Adams and Daniel Parkhurst."

Also, to fill the blank in section six with the word "sixty;" which amendments were severally adopted.

The bill was then passed, by the following vote:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Barbour,
Mr. Bell,
Mr. Bird,

Mr. Gregory,
Mr. Hammond,
Mr. Hart,
Mr. Harbaugh,
Mr. Howard,

Mr. Miller,
Mr. Mulhollan,
Mr. McReynolds,
Mr. Newton,
Mr. Pierce,

| | | | |
|---------------|---------------|----------------|----|
| Mr. Carr, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Castle, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Cathcart, | Mr. Kenny, | Mr. Sprague, | |
| Mr. Champlin, | Mr. Larue, | Mr. Underwood, | |
| Mr. Cook, | Mr. LeBaron, | Mr. Walker, | |
| Mr. Foote, | Mr. Lathrop, | Mr. Williams, | |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, | 36 |

NAYS.

0

On motion of Mr. McReynolds,

The vote on the passage of the bill "in relation to the Michigan state bank," was re-considered, and the question recurring upon the passage of said bill, the same was passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, |
| Mr. Axford, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Bird, | Mr. Howard, | Mr. Pierce, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |
| Mr. Castle, | Mr. Kenny, | Mr. Sprague, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Williams, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |
| Mr. Foote, | | |

31

NAYS.

| | | |
|--------------|--------------|-------------|
| Mr. Gregory, | Mr. Larue, | Mr. Walker, |
| Mr. Ingalls, | Mr. Sanborn, | |

5

On motion of Mr. Backus, the House adjourned.

Afternoon Session.

The House met at half past 2 o'clock, pursuant to adjournment.

On calling the roll, the following members were absent without leave, Messrs. Button, Carr, Castle, Dunham and Ingalls.

Mr. Harbaugh presented the account of J. Eldred & Son, against the Central railroad, for interest on contract for spikes furnished the state. Referred to the committee on claims.

Mr. Speaker presented the account of F. Borchardt, for translating into German, the Governor's message.

Also, the claim of the Michigan State Journal, for publishing the official canvass of the fifth senatorial district; which several claims, were referred to the committee on claims.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to amend chapter one, title four, part three of the revised statutes, entitled 'of proceedings against debtors in attachment.'"

WILLIAM WOODBRIDGE.

Executive Office, March 16, 1840.

On motion of Mr. LeBaron,

The committee of the whole were discharged from the consideration of the "Bill to abolish certain offices, and for other purposes."

And the same being under consideration,

Mr. Harbaugh moved to amend section two of said bill, by striking out in the second line, the word "eight," and inserting in lieu thereof the word "six," pending which,

On motion of Mr. Hammond, the bill was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,

Monday, March 16, 1840.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform you that they have receded from their amendment to the "Bill to regulate the salary of Governor and for other purposes," and passed the bill accordingly, and herewith return the same.

Also, to return the "Bill to establish the boundary lines of the township of Springwells," with the concurrence of the Senate.

I am further instructed to inform you that the Senate have appointed a third committee of conference on their part, consisting of Senators Hawkins, Withersell and Rice, upon the "Bill to abolish the office of bank commissioners," and res-

| | | |
|---------------|---------------|----------------|
| Mr. Carr, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Castle, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Sprague, |
| Mr. Champlin, | Mr. Larue, | Mr. Underwood, |
| Mr. Cook, | Mr. LeBaron, | Mr. Walker, |
| Mr. Foote, | Mr. Lathrop, | Mr. Williams, |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, |

36

NAYS.

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On motion of Mr. McReynolds,

The vote on the passage of the bill "in relation to the Michigan state bank," was re-considered, and the question recurring upon the passage of said bill, the same was passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, |
| Mr. Axford, | Mr. Hammond, | Mr. Mulholland, |
| Mr. Barbour, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Bird, | Mr. Howard, | Mr. Pierce, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |
| Mr. Castle, | Mr. Kenny, | Mr. Sprague, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Williams, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |
| Mr. Foote, | | |

31

NAYS.

| | | |
|--------------|--------------|-------------|
| Mr. Gregory, | Mr. Larue, | Mr. Walker, |
| Mr. Ingalls, | Mr. Sanborn, | |

5

On motion of Mr. Backus, the House adjourned.

Afternoon Session.

The House met at half past 2 o'clock, pursuant to adjournment.

On calling the roll, the following members were absent without leave, Messrs. Button, Carr, Castle, Dunham and Ingalls.

Mr. Harbaugh presented the account of J. Eldred & Son, against the Central railroad, for interest on contract for spikes furnished the state. Referred to the committee on claims.

Mr. Speaker presented the account of F. Borchardt, for translating into German, the Governor's message.

Also, the claim of the Michigan State Journal, for publishing the official canvass of the fifth senatorial district; which several claims, were referred to the committee on claims.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to amend chapter one, title four, part three of the revised statutes, entitled 'of proceedings against debtors in attachment.'"

WILLIAM WOODBRIDGE.

Executive Office, March 16, 1840.

On motion of Mr. LeBaron,

The committee of the whole were discharged from the consideration of the "Bill to abolish certain offices, and for other purposes."

And the same being under consideration,

Mr. Harbaugh moved to amend section two of said bill, by striking out in the second line, the word "eight," and inserting in lieu thereof the word "six," pending which,

On motion of Mr. Hammond, the bill was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,

Monday, March 16, 1840.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate, to inform you that they have receded from their amendment to the "Bill to regulate the salary of Governor and for other purposes," and passed the bill accordingly, and herewith return the same.

Also, to return the "Bill to establish the boundary lines of the township of Springwells," with the concurrence of the Senate.

I am further instructed to inform you that the Senate have appointed a third committee of conference on their part, consisting of Senators Hawkins, Withersall and Rice, upon the "Bill to abolish the office of bank commissioners," and res-

"January," and inserting in lieu thereof "August;" which motion prevailed.

Mr. Hammond's amendment was then rejected, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|--------------|-----------------|
| Mr. Ashman, | Mr. Cook, | Mr. Hart, |
| Mr. Bell, | Mr. Coleman, | Mr. LeBaron, |
| Mr. Cathcart, | Mr. Davis, | Mr. McClelland, |
| Mr. Champlin, | Mr. Hammond, | Mr. McDonald, |

19

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Axford, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Backus, | Mr. Howard, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Johnson, | Mr. Spencer, |
| Mr. Bird, | Mr. Kenny, | Mr. Sprague, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |
| Mr. Button, | Mr. Miller, | Mr. Turner, |
| Mr. Foote, | Mr. Moran, | Mr. Underwood, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Fuller, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Gregory, | Mr. Pierce, | |

20

Mr. McReynolds moved to amend said bill by striking out all of section five after the word "sale," in the second line, pending which,

Mr. Hammond moved to lay the bill upon the table, which motion was negatived, by yeas and nays as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Davis, | Mr. Larue, |
| Mr. Axford, | Mr. Fuller, | Mr. LeBaron, |
| Mr. Bell, | Mr. Hammond, | Mr. McClelland, |
| Mr. Bush, | Mr. Hart, | Mr. Newton, |
| Mr. Cathcart, | Mr. Harbaugh, | Mr. Walker, |
| Mr. Champlin, | Mr. Howard, | Mr. Speaker, |
| Mr. Coleman, | | |

19

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Backus, | Mr. Johnson, | Mr. Renwick, |
| Mr. Barbour, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Bird, | Mr. McDonald, | Mr. Spencer, |
| Mr. Button, | Mr. Miller, | Mr. Sprague, |
| Mr. Castle, | Mr. Moran, | Mr. Tucker, |
| Mr. Foote, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Gregory, | Mr. Pierce, | |

23

The question recurring upon the motion of Mr. McReynolds, Mr. Hammond moved to adjourn, which motion did not prevail.

Mr. Kenny moved the indefinite postponement of the further consideration of said bill.

Mr. Davis moved a call of the House, which the House refused to sustain, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|---------------|--------------|
| Mr. Axford, | Mr. Cathcart, | Mr. Hammond, |
| Mr. Bell, | Mr. Champlin, | Mr. Hart, |
| Mr. Bush, | Mr. Davis, | Mr. Larue, |
| Mr. Castle, | Mr. Fuller, | Mr. LeBaron, |

12

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Howard, | Mr. Pierce, |
| Mr. Backus, | Mr. Johnson, | Mr. Renwick, |
| Mr. Barbour, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Bird, | Mr. McClelland, | Mr. Spencer, |
| Mr. Button, | Mr. McDonald, | Mr. Sprague, |
| Mr. Coleman, | Mr. Miller, | Mr. Tucker, |
| Mr. Foote, | Mr. Moran, | Mr. Turner, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Gregory, | Mr. McReynolds, | Mr. Walker, |
| Mr. Harbaugh, | Mr. Newton, | Mr. Speaker, |

30

Mr. Davis then moved to adjourn, which motion was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|--------------|-----------------|
| Mr. Ashman, | Mr. Coleman, | Mr. Larue, |
| Mr. Axford, | Mr. Davis, | Mr. McClelland, |
| Mr. Bell, | Mr. Forbes, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Hammond, | Mr. Newton, |
| Mr. Cathcart, | Mr. Hart, | Mr. Walker, |
| Mr. Champlin, | Mr. Howard, | |

17

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Johnson, | Mr. Renwick, |
| Mr. Barbour, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Bird, | Mr. LeBaron, | Mr. Spencer, |
| Mr. Button, | Mr. McDonald, | Mr. Sprague, |
| Mr. Castle, | Mr. Miller, | Mr. Tucker, |
| Mr. Foote, | Mr. Moran, | Mr. Turner, |
| Mr. Fuller, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Gregory, | Mr. Pierce, | Mr. Speaker, |
| Mr. Harbaugh, | | |

25

The question recurring upon the motion of Mr. Kenny, the same was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|--------------|
| Mr. Backus, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Barbour, | Mr. Johnson, | Mr. Renwick, |
| Mr. Bird, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Castle, | Mr. McDonald, | Mr. Spencer, |
| Mr. Foote, | Mr. Miller, | Mr. Tucker, |
| Mr. Forbes, | Mr. Moran, | Mr. Turner, |
| Mr. Gregory, | Mr. McReynolds, | Mr. Walker, |

21

NAYS.

| | | |
|---------------|--------------|-----------------|
| Mr. Ashman, | Mr. Coleman, | Mr. LeBaron, |
| Mr. Axford, | Mr. Davis, | Mr. McClelland, |
| Mr. Bell, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Hammond, | Mr. Newton, |
| Mr. Button, | Mr. Hart, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Howard, | Mr. Underwood, |
| Mr. Champlin, | Mr. Larue, | Mr. Speaker, |

21

The question then recurring upon Mr. McReynolds' amendment,

Mr. Tucker moved to adjourn, which was lost, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|--------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. LeBaron, |
| Mr. Axford, | Mr. Forbes, | Mr. McClelland, |
| Mr. Bell, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Gregory, | Mr. Newton, |
| Mr. Cathcart, | Mr. Hammond, | Mr. Tucker, |
| Mr. Champlin, | Mr. Hart, | Mr. Walker, |
| Mr. Davis, | Mr. Larue, | |

20

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Johnson, | Mr. Renwick, |
| Mr. Barbour, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Bird, | Mr. McDonald, | Mr. Spencer, |
| Mr. Button, | Mr. Miller, | Mr. Sprague, |
| Mr. Castle, | Mr. Moran, | Mr. Turner, |
| Mr. Coleman, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Harbaugh, | Mr. Pierce, | Mr. Speaker, |
| Mr. Howard, | | |

22

The question again recurring upon Mr. McReynolds' amendment, and much debate ensuing,

Mr. McReynolds moved the previous question; the House refused to sustain the motion, by the following vote:

YEAS.

Mr. Howard,

1

NAYS.

Mr. Ashman,
Mr. Axford,
Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Coleman,
Mr. Davis,
Mr. Foote,

Mr. Forbes,
Mr. Fuller,
Mr. Gregory,
Mr. Hammond,
Mr. Hart,
Mr. Harbaugh,
Mr. Johnson,
Mr. Kenny,
Mr. Larue,
Mr. LeBaron,
Mr. McClelland,
Mr. McDonald,
Mr. Miller,
Mr. Moran,

Mr. Mulhollan,
Mr. McReynolds,
Mr. Newton,
Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Tucker,
Mr. Turner,
Mr. Underwood,
Mr. Walker,
Mr. Speaker,

41

The question again recurring upon Mr. McReynolds' motion,

Mr. Axford moved to adjourn, which motion did not prevail.

The question yet recurring upon Mr. McReynolds' amendment,

Mr. Hammond moved to amend the same by adding the words following, to section five: "approved March 21, 1837," which was negatived by the following vote:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Bell,
Mr. Cathcart,

Mr. Champlin,
Mr. Coleman,
Mr. Davis,

Mr. Hammond,
Mr. Hart,
Mr. LeBaron,

10

NAYS.

Mr. Backus,
Mr. Barbour,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Castle,
Mr. Foote,
Mr. Forbes,
Mr. Fuller,
Mr. Gregory,
Mr. Harbaugh,

Mr. Howard,
Mr. Johnson,
Mr. Kenny,
Mr. Larue,
Mr. Lathrop,
Mr. McClelland,
Mr. McDonald,
Mr. Miller,
Mr. Moran,
Mr. Mulhollan,
Mr. McReynolds,

Mr. Newton,
Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Tucker,
Mr. Turner,
Mr. Underwood,
Mr. Walker,
Mr. Speaker,

33

The question recurring upon the motion of Mr. McReynolds, he withdrew the same, and moved to postpone the farther consideration of the subject until the fourth day of July next; pending which,

On motion, the House adjourned.

Tuesday, March 17, 1840.

The House met pursuant to adjournment.

The roll being called, there were absent, without leave, Messrs. Dunham and Ingalls.

Mr. Mulhollan asked for and obtained leave of absence for Mr. Dunham for one day.

REPORTS.

Mr. Ashman, from the committee on roads and bridges, to whom was referred Senate bill "to amend a certain part of the revised statutes, entitled 'of highways, bridges and ferries,'" reported the same back to the House with sundry amendments, which was referred to the committee of the whole and placed upon the general order.

Mr. Larue, from the committee on ways and means, to whom was referred Senate bill "to repeal the law authorizing the election of county commissioners," reported the same back to the House without amendment, which was referred to the committee of the whole and placed upon the general order.

Mr. Renwick, from the committee on ways and means, to whom was referred the petition of sundry spirit dealers, reported a bill entitled a "Bill to provide for an inspector of spirits, and for other purposes," which was read the first and second times, referred to the committee of the whole and placed upon the general order.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of Secretary of State, an act entitled "An act to extend the

powers of county commissioners in certain cases, and to regulate appeals from their decisions."

Also, "An act to organize certain townships."

WILLIAM WOODBRIDGE.

Executive Office, March 16, 1840.

Also the following special message from the Executive:

To the Senate and House of Representatives:

I submit, for the consideration of both Houses, a communication this day received by me from the president of the "Buffalo and Niagara Falls railroad company," relative to certain railroad iron, which that company have been advised belongs to this state, and which is now remaining at Buffalo for transportation to this state.

In behalf of that company, the president is desirous of obtaining a part of it by purchase of this state.

It will be for the Legislature to determine what shall be the tenor of any reply to be made in respect to the application.

WILLIAM WOODBRIDGE.

Executive Office, March 16, 1840.

Which on motion of Mr. Harbaugh,

Was referred to the committee on internal improvement, together with the accompanying documents.

Mr. Harbaugh laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives, That the Auditor General be, and he is hereby authorized and directed, upon the completion of the printing and binding of the volume of laws of Michigan, for 1840, to draw his draft upon the Treasurer, in favor of the State Printer, in such sum as will cover the expense of the printing and binding of the said volume of laws.

Mr. Castle offered the following preamble and resolution:

Whereas, the recording clerk of this House, Nathaniel I. Daniels, on account of ill health, is unable to discharge his official duties, therefore,

Resolved, That John Booth be, and he is hereby appointed recording clerk, in the place of Mr. Daniels; which,

On motion of Mr. Howard, was laid upon the table.

On motion of Mr. Sanborn,

Resolved, That the select committee to whom was referred the message of the Executive, in relation to a proposition of the Morris canal and banking company, for modifying the terms of the five million loan, be instructed to inform this House whether they expect to make a separate report from the one made to the Senate by a like committee, and if so, that they be requested to report forthwith.

Mr. Bell, on leave, and pursuant to previous notice, introduced a bill entitled "A bill for the relief of the county of Ottawa," which was twice read and referred to the committee on the judiciary.

Mr. Underwood, on leave, and pursuant to previous notice, introduced a bill entitled "A bill to incorporate the Adrian young men's literary association," which was read the first and second times, and referred to the committee on banks and incorporations.

Mr. Kenny moved that the House take up the motion to reconsider the vote passing the joint resolution prohibiting the running of the cars on the railroads of this state, on the Sabbath, which motion prevailed.

And the question being upon the re-consideration of said vote, the same prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, |
| Mr. Axford, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Bush, | Mr. Howard, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Stockton, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Turner, |
| Mr. Cook, | Mr. McClelland, | Mr. Walker, |
| Mr. Coleman, | Mr. McDonald, | Mr. Williams, |
| Mr. Davis, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | | |

NAYS.

Mr. Underwood,

1

The question recurring upon the passage of said resolution, Mr. Tucker moved to amend the same by adding the following proviso:

"And provided further, That any person who shall be found traveling on any public or private road in this state on the Sabbath day, shall be fined fifty dollars before any justice of the peace, for the benefit of Sabbath schools that are now established in said state;" which amendment did not prevail.

Mr. Pierce moved to amend said resolution, by striking out the words "passenger or," which motion was negatived.

Mr. Bush moved to amend the amendment by adding the following:

"And the additional expense that any person shall sustain in consequence of being detained from prosecuting of his business, in consequence of this arrangement, shall be, by the treasurer, paid out of the treasury of the state, the amount of such additional expense, first being sworn to by such person."

Which amendment did not prevail.

And the question recurring upon Mr. Pierce's motion, the same was negatived, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Axford,
Mr. Bush,
Mr. Carr,
Mr. Fuller,

Mr. Hart,
Mr. Larue,
Mr. McClelland,
Mr. McDonald,

Mr. Mulhollan,
Mr. Newton,
Mr. Pierce,
Mr. Walker,

13

NAYS.

Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Button,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Cook,
Mr. Coleman,

Mr. Foote,
Mr. Gregory,
Mr. Hammond,
Mr. Harbaugh,
Mr. Howard,
Mr. Johnson,
Mr. Kenny,
Mr. LeBaron,
Mr. Miller,

Mr. Moran,
Mr. McReynolds,
Mr. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Turner,
Mr. Underwood,
Mr. Williams,
Mr. Speaker,

28

The question again recurring upon the adoption of the resolution.

Mr. Pierce moved to amend the same by adding the following:

"And further, that no steamboat or any other vessel, shall load or unload, or leave the ports of this state, on the first day of the week, commonly called Sunday, under the penalty of fifty dollars for each offence, and all justices of the peace are required to see that this resolution is carried into effect by the prosecution of the offender before any court having competent jurisdiction."

Mr. McReynolds moved to amend the same by inserting, after the word "vessels," the words "property of this state," which did not prevail.

Mr. Button moved an indefinite postponement of the further consideration of the subject, which motion was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|-----------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Axford, | Mr. Hart, | Mr. Newton, |
| Mr. Bush, | Mr. Howard, | Mr. Pierce, |
| Mr. Button, | Mr. Larue, | Mr. Sanborn, |
| Mr. Carr, | Mr. McClelland, | Mr. Tucker, |
| Mr. Davis, | Mr. McDonald, | Mr. Walker, |
| Mr. Forbes, | | |

19

NAYS.

| | | |
|---------------|--------------|-----------------|
| Mr. Barbour, | Mr. Foote, | Mr. McReynolds, |
| Mr. Bell, | Mr. Hammond, | Mr. Spencer, |
| Mr. Bird, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Cook, | Mr. Miller, | Mr. Williams, |
| Mr. Coleman, | Mr. Moran, | Mr. Speaker, |

24

The question recurring upon Mr. Pierce's motion, the same did not prevail.

And the question again recurring upon the passage of the resolution, Mr. Bush moved the following substitute therefor:

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioners of internal im-

provement be, and they are hereby empowered, to stop all cars on any railroad belonging to this state, from running on the first day of the week, if they deem it expedient; which was rejected, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Howard, | Mr. Tucker, |
| Mr. Carr, | Mr. McClelland, | Mr. Walker, |
| Mr. Davis, | Mr. McDonald, | Mr. Williams, |
| Mr. Forbes, | Mr. Newton, | |

17

NAYS.

| | | |
|---------------|--------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bell, | Mr. Hart, | Mr. Spencer, |
| Mr. Bird, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Cook, | Mr. Miller, | Mr. Speaker, |
| Mr. Coleman, | Mr. Moran, | |

26

The question then recurring upon the resolution, the same was passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Backus, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Bell, | Mr. Johnson, | Mr. Spencer, |
| Mr. Bird, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Turner, |
| Mr. Champlin, | Mr. Miller, | Mr. Underwood, |
| Mr. Cook, | Mr. Moran, | Mr. Speaker, |
| Mr. Foote, | | |

25

NAYS.

| | | |
|--------------|-----------------|---------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Newton, |
| Mr. Axford, | Mr. Fuller, | Mr. Pierce, |
| Mr. Bush, | Mr. Hart, | Mr. Sanborn, |
| Mr. Button, | Mr. Howard, | Mr. Tucker, |
| Mr. Carr, | Mr. McClelland, | Mr. Walker, |
| Mr. Coleman, | Mr. McDonald, | Mr. Williams, |
| Mr. Davis, | | |

19

Mr. Pierce gave notice that he should, at some future day, ask leave to bring in a bill to change the location of the Havre branch railroad, and for other purposes.

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Monday, March 16, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the House substitute (for Senate bills numbers sixteen and thirty-three,) "relative to highway taxes," with sundry amendments, and ask the concurrence of the House therein.

Also, to return with amendments, in which the concurrence of the House of Representatives is respectfully asked, the "Bill to organize certain townships."

And also, to return the "Bill to amend an act to provide for the government and discipline of the state prison at Jackson," with sundry amendments by the Senate, and the concurrence of the House is respectfully asked in them.

I am also, further instructed, to inform you respectfully, that the House bill "to provide for the reduction of costs in civil suits," and the House bill "to prevent the destruction of muskrats," were both lost in the Senate.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Lathrop, the said bills were laid upon the table.

On motion of Mr. McReynolds,

The special order of the day was postponed until the afternoon of this day.

On motion, the House adjourned until two o'clock, P. M.

Afternoon Session.

The House met at two o'clock, pursuant to adjournment.

On calling the roll there were absent without leave, Messrs. Davis, Gregory, Ingalls and Larue.

Mr. Miller asked for and obtained leave of absence for Mr. Gregory, for an indefinite time.

The House took up from the table the substitute for Senate bills number sixteen and thirty-three, "relative to highway taxes."

Also, the "Bill to organize certain townships," and the amendments made by the Senate to said bills being under consideration, the same were severally concurred in by the House.

The House then took up the "Bill to amend 'An act to provide for the government and discipline of the state prison at Jackson.'"

The question being upon concurring in the amendments made to said bill by the Senate, the House concurred in the same, except in the first, fourth and twentieth sections, which were not concurred in.

Mr. Lathrop moved to further amend said bill by inserting the word "state," before the word "prison," where it last occurs in section twenty-four; which amendment was adopted.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act to provide for the organization of courts of special sessions, and to define their powers and duties."

Also, "An act to establish the boundary lines of the township of Springwells."

Mr. Backus, from the judiciary committee, to whom was referred a "Bill for the relief of the county of Ottawa," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus moved a re-consideration of the vote on the concurrence of the House in the amendments made by the Senate to the "Bill for the regulation of internal improvement," and on his motion, the motion to re-consider was ordered to lie upon the table.

Mr. Champlin moved a re-consideration of the vote on the passage of the resolution appointing a committee to investigate the accounts and affairs of the board of internal improvement, and on his motion, the motion to re-consider was laid upon the table.

The House then took up the special order of the day, being the "Bill to anticipate certain instalments of the five million loan."

Mr. Spencer moved the following amendment to the first amendment made by the Senate to said bill:

"Provided, that said bank or banks, or either of them, shall not draw interest from the state on any drafts drawn as afore-said, only from the time of the maturity and payment of such drafts by the said banks, or either of them, till the payment of the same out of the fund of the state;" which amendment was not adopted.

Mr. Hammond offered the following amendment to said amendment of the Senate:

"Provided, nothing herein contained shall be construed to release the bank or banks from any liabilities as drawer of any draft to be by them drawn, either against the instalments of the five million loan, or against bills of exchange taken in the regular business of said bank or banks."

The question being upon the adoption of the amendment,
On motion of Mr. Pierce,

The further consideration of said bill was postponed, and made the special order of the day for Thursday next, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Pierce, |
| Mr. Axford, | Mr. Forbes, | Mr. Sanborn, |
| Mr. Backus, | Mr. Hammond, | Mr. Stockton, |
| Mr. Barbour, | Mr. Larue, | Mr. Tucker, |
| Mr. Bell, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. McDonald, | Mr. Underwood, |
| Mr. Castle, | Mr. Moran, | Mr. Walker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, |

24

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Bird, | Mr. Hart, | Mr. McReynolds, |
| Mr. Button, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Carr, | Mr. Howard, | Mr. Spencer, |
| Mr. Champlin, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cook, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Coleman, | Mr. Miller, | |

17

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Tuesday, March 17, 1840.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit a "Bill relative to primary schools in the city of Detroit," which they have passed, and respectfully ask the concurrence of the House thereon.

Also, to return the "Bill to define the eastern and southern boundaries of the township of Dearborn, Wayne county," with the concurrence of the Senate.

And also, to inform you respectfully that the "Bill to suspend an act entitled 'An act to establish the State bank of Michigan,'" was lost in the Senate.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill relative to primary schools in the city of Detroit," was read the first and second times and referred to the committee on education.

On motion of Mr. Spencer,

The House resolved itself into committee of the whole, on the "Bill to amend an act entitled 'An act to incorporate the village of Ypsilanti, and the act or acts amendatory thereof,'" Mr. Harbaugh in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in by the House.

The bill then being under consideration,

Mr. Pierce moved to further amend said bill by striking out the proviso in section seventeen, which motion did not prevail.

Mr. Pierce then moved to strike out the twenty-first section of said bill, which motion was also lost.

Mr. Spencer moved to amend the twenty-first section by adding the following proviso: "Provided, Such juror or witness has none other than a general interest in common with the citizens of said village, in the event of such process or proceedings."

Which amendment was adopted.

Mr. Sprague moved to further amend said bill, by striking out the eleventh and twelfth lines of section fourteen, which motion did not prevail, and the bill was then ordered to a third reading.

On motion of Mr. Harbaugh,

The rule was suspended and the bill read a third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, |
| Mr. Axford, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bird, | Mr. Howard, | Mr. Spencer, |
| Mr. Button, | Mr. Johnson, | Mr. Tucker, |
| Mr. Castle, | Mr. Larue, | Mr. Turner, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Champlin, | Mr. McClelland, | Mr. Williams, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |
| Mr. Foote, | Mr. Miller, | |

35

NAYS.

Mr. Sprague, Mr. Walker,

2

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the Senate resolution authorizing the Secretary of State to furnish the Detroit young men's society with copies of the laws, journals and documents of the legislature, and on his motion the House took up the same for consideration.

Mr. Hammond moved to amend the resolution, by substituting therefor, House bill number one hundred and five.

Mr. Pierce moved to amend the amendment by inserting after the word "lyceums," in second line of the first section, the words "and library societies now;" which amendment was adopted.

The question recurring upon the adoption of the substitute as amended,

Mr. Button moved to lay the resolution and substitute upon the table, which motion prevailed.

On motion of Mr. Champlin,

The House went into committee of the whole on the "Bill to

provide for the removal of the seat of justice of the county of Hillsdale, to the village of Osseo; Mr. Bell in the chair.

After spending some time thereon the committee rose and reported the same back to the House without amendment, and the bill was then ordered to a third reading.

On motion of Mr. LeBaron,

The rule was suspended and the bill read the third time and passed.

Mr. Axford moved to adjourn, which motion was lost.

Mr. Champlin moved to adjourn until seven o'clock this evening, which motion was also lost, and

On motion of Mr. Foote,

The committee of the whole were discharged from the "Bill to amend an act to extend the time of payment of the university and school lands, and for other purposes,"

And on his motion, the House took up the same for consideration, and the bill was then ordered to a third reading.

On motion of Mr. Pierce,

The rule was suspended, and the bill read the third time and passed.

The title being under consideration,

Mr. Fuller moved to amend the same by striking out the word "of," where it first occurs, and insert in lieu thereof the word "for," which motion prevailed.

Mr. Hammond move to adjourn until to-morrow morning at nine o'clock, which motion did not prevail; and,

On motion of Mr. McReynolds, the House adjourned.

Wednesday, March 18, 1840.

The House met pursuant to adjournment.

On calling the roll, there were absent without leave, Messrs. Davis and Kenny.

PETITIONS.

By Mr. Steele. Of sundry citizens of Ingham county, praying for the repeal of the law creating the office of county commissioners. Referred to the committee on the judiciary.

By Mr. Carr. Of sundry inhabitants of Washtenaw county, praying for the legalization of certain acts. Referred to the committee on the judiciary.

REPORTS.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred the "Bill to incorporate the Adrian young men's literary association," reported the same back to the House without amendment, which was referred to the committee of the whole, and placed upon the general order.

Mr. Harbaugh, from the majority of the select committee, to whom was referred the special message of the Governor, together with the documents and joint resolutions from the state of New Jersey, submitted the following preamble and joint resolutions:

Whereas, the state of New Jersey, in common with her sister states, became a party to the Union, created by the constitution of the United States, upon the express condition, that she should at all times be entitled to a representation in the Congress of the United States in proportion to her population, and by the laws passed in pursuance of that constitution, she is now entitled to six representatives:

And whereas, the constitution declares that the times, places and manner of holding elections for representatives to Congress, shall be prescribed in each state by the legislature thereof, until Congress shall alter such regulations:

And whereas, five of the Representatives of the state of New Jersey, to the Congress of the United States, elected in accordance with the provisions of existing laws in that state, and bearing a commission granted by the Governor, under the great seal of the state, appeared at the time and place prescribed by law for the meeting of that Congress, and produced their commissions as such representatives, and claimed the right to unite with the representatives of other states of the Union in forming and organizing the House of Representatives of the Congress of the United States, and were prevented by the acts of a majority of those representatives from exer-

cising that right, and are still excluded from any participation in their proceedings and deliberations; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the acts of a portion of the representatives from the several states, by which five of the persons who were duly commissioned, under the great seal of the state of New Jersey, as her representatives in the twenty-sixth Congress of the United States, were prevented from exercising their rights, and performing their duties as such representatives, were not only a palpable violation of the constitution, and a gross outrage upon the rights of the people of New Jersey, but constitute a precedent replete with danger to the interest, safety and permanency of the Union.

Be it further resolved, That in the name and behalf of the people of the state of Michigan, we do hereby, most *solemnly protest* against these acts, as unconstitutional, unwarranted and unjust, and against the enactment of any laws, by the remaining representatives of the several states, until the people of New Jersey, through their duly commissioned representatives, shall have been restored to the rights of which they have been arbitrarily and wrongfully deprived.

Be it further resolved, That the governor of this state be requested to transmit copies of the foregoing resolutions to the Governor of the state of New Jersey, and also to our Senators and Representative in Congress, with a request that they will present the same to Congress.

Which were read the first and second times, referred to the committee of the whole and placed upon the general order.

(See House Document No. 62.)

Mr. Hammond, from the judiciary committee, to whom was referred the "Bill to amend part first, title five, chapter eight of the revised statutes 'relative to specific state taxes;'"

Also, the "Bill to exempt grain while growing, and other unharvested crops from sale under execution," reported the same back to the House without amendment, which were severally referred to the committee of the whole and placed upon the general order.

Resolved, That this House consider the "Bill restricting the powers of sheriffs, and for other purposes," should not in its present shape become a law, and the Speaker be requested not to sign the same.

Which resolution was adopted, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Barbour, | Mr. Hammond, | Mr. Mulholland, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bush, | Mr. Howard, | Mr. Steele, |
| Mr. Carr, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Castle, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, |
| Mr. Coleman, | Mr. Miller, | Mr. Walker, |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, |

24

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Axford, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Larue, | Mr. Sprague, |
| Mr. Foote, | Mr. McDonald, | Mr. Underwood, |

18

Mr. Lathrop moved a re-consideration of the vote upon the adoption of the resolution, and also moved that the motion to re-consider lie upon the table; pending which, he moved a call of the House which was sustained, and on calling the roll there were absent without leave, Messrs. Ashman, Axford, Davis, Kenny, Sanborn and Walker.

Mr. Steele asked and obtained leave of absence for Mr. Davis, for an indefinite period.

On motion of Mr. McClelland,

The further proceedings under a call of the House were dispensed with.

Mr. Lathrop then withdrew his motion to re-consider the vote.

Mr. Tucker offered the following:

Resolved, That this House order printed, for the use of its members, three hundred copies of the (Senate) report of the committee to whom was referred the message of the Executive in relation to a proposition of the Morris canal and banking company for canceling the five million loan.

Mr. Hammond moved to lay the resolution upon the table; which motion did not prevail.

Mr. Tucker then withdrew the same.

On motion of Mr. Ashman,

Resolved, That the Secretary of State be instructed to furnish the State Geologist, for the use of the geological department, such of the session laws and documents as may be required for the use of said department, not exceeding one copy of each.

Mr. Larue, on leave and pursuant to previous notice, introduced a bill entitled a "Bill to provide for laying out and establishing certain state roads, and for other purposes," which was twice read and referred to the committee on roads and bridges.

On motion of Mr. Backus,

The House took up the motion to re-consider the vote concurring in the last amendments made by the Senate to the bill for the regulation of internal improvement, and

The House re-considered its vote, concurring in the same, and the question recurring upon the concurrence of the House in said amendments,

Mr. Backus moved an amendment to the amendment, which was adopted.

The question again recurring upon concurring in the amendment as amended, the same was adopted.

On motion of Mr. Turner,

The special order of the day, entitled a "Bill relative to the university of Michigan," was laid upon the table.

Mr. Turner offered the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the regents of the university of Michigan, be requested to report to the next legislature, at the commencement of their session, if any changes, and what, are necessary to be made in the organic law of the state relative to said university, in order to secure more effectually the objects of the same, and that they accompany said report by a bill.

Resolved, That this House consider the "Bill restricting the powers of sheriffs, and for other purposes," should not in its present shape become a law, and the Speaker be requested not to sign the same.

Which resolution was adopted, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Barbour, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bush, | Mr. Howard, | Mr. Steele, |
| Mr. Carr, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Castle, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, |
| Mr. Coleman, | Mr. Miller, | Mr. Walker, |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, |

24

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Axford, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Larue, | Mr. Sprague, |
| Mr. Foote, | Mr. McDonald, | Mr. Underwood, |

18

Mr. Lathrop moved a re-consideration of the vote upon the adoption of the resolution, and also moved that the motion to re-consider lie upon the table; pending which, he moved a call of the House which was sustained, and on calling the roll there were absent without leave, Messrs. Ashman, Axford, Davis, Kenny, Sanborn and Walker.

Mr. Steele asked and obtained leave of absence for Mr. Davis, for an indefinite period.

On motion of Mr. McClelland,

The further proceedings under a call of the House were dispensed with.

Mr. Lathrop then withdrew his motion to re-consider the vote.

Mr. Tucker offered the following:

Resolved, That this House order printed, for the use of its members, three hundred copies of the (Senate) report of the committee to whom was referred the message of the Executive in relation to a proposition of the Morris canal and banking company for canceling the five million loan.

Mr. Hammond moved to lay the resolution upon the table; which motion did not prevail.

Mr. Tucker then withdrew the same.

On motion of Mr. Ashman,

Resolved, That the Secretary of State be instructed to furnish the State Geologist, for the use of the geological department, such of the session laws and documents as may be required for the use of said department, not exceeding one copy of each.

Mr. Larue, on leave and pursuant to previous notice, introduced a bill entitled a "Bill to provide for laying out and establishing certain state roads, and for other purposes," which was twice read and referred to the committee on roads and bridges.

On motion of Mr. Backus,

The House took up the motion to re-consider the vote concurring in the last amendments made by the Senate to the bill for the regulation of internal improvement, and

The House re-considered its vote, concurring in the same, and the question recurring upon the concurrence of the House in said amendments,

Mr. Backus moved an amendment to the amendment, which was adopted.

The question again recurring upon concurring in the amendment as amended, the same was adopted.

On motion of Mr. Turner,

The special order of the day, entitled a "Bill relative to the university of Michigan," was laid upon the table.

Mr. Turner offered the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the regents of the university of Michigan, be requested to report to the next legislature, at the commencement of their session, if any changes, and what, are necessary to be made in the organic law of the state relative to said university, in order to secure more effectually the objects of the same, and that they accompany said report by a bill.

On his motion, the rule was suspended, and the resolution was passed.

Mr. Tucker gave notice, that on some future day he would ask leave to introduce a bill to incorporate the stockholders of the agricultural bank of Michigan.

The House took up from the table, Senate bill "for the relief of certain school districts in the township of Parma, Jackson county," and the amendments reported by the committee on education were non-concurred in, and the bill was read the third time and passed.

The House then took up for a third reading, Senate bill number forty-three, to amend an act entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors," and,

On motion of Mr. McClelland, the said bill was laid upon the table.

The House took up Senate bill number thirty, "to provide for the punishment of certain officers who shall neglect or refuse to pay over moneys;" which was then read a third time, and the question being upon its passage, the same did not prevail.

On motion of Mr. Hammond,

The House resolved itself into committee of the whole, on Senate bill number fifty-two, "to lay off and define the boundaries of certain counties," Mr. Ashman in the chair.

After spending some time thereon, the committee rose and reported progress thereon, and asked leave to sit again.

The question being upon granting the committee leave to sit again,

On motion of Mr. Bell, the bill was laid upon the table.

On motion of Mr. Champlin,

The committee of the whole were discharged from Senate bill number fifty-five, "to repeal the law authorizing the election of county commissioners;" and on his motion, the House took up the same for consideration.

Mr. Bell moved to strike out all after the enacting clause,

and substitute therefor, House bill number one hundred and two; which motion prevailed.

Mr. Champlin moved to lay the bill and substitute upon the table; which motion was lost.

Mr. Pierce moved to refer the same to the committee, on the judiciary.

Mr. McReynolds moved to amend the motion by referring the same to the committee of the whole.

Mr. Pierce then withdrew his motion.

The question being taken upon referring to the committee of the whole, the same prevailed.

On motion of Mr. Hammond,

The committee of the whole were discharged from Senate bill number fifty-six, and on his motion, the House took up the same for consideration.

The question being upon the adoption of the amendment reported by the committee on roads and bridges, the same was concurred in.

Mr. Ashman moved to amend said bill by filling the blank in the first section, with the word "Cass;" which motion prevailed, and

On motion of Mr. Hammond, the bill was ordered to lie upon the table.

On motion of Mr. Hammond,

The committee of the whole were discharged from Senate bill number twenty-one, "to amend part three, title one of the revised statutes," and on his motion, the House took up the same for consideration.

Mr. Hammond moved to amend said bill by striking out the third section.

Mr. Backus moved to amend the amendment by striking out all after the enacting clause; which motion prevailed.

On motion of Mr. Harbaugh, the further consideration of the enacting clause was indefinitely postponed.

On motion of Mr. Hammond, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

And on calling the roll, there were present the same members as in the morning.

The Speaker presented the claim of Dawson & Bates, for printing, which was referred to the committee on claims.

Mr. Champlin presented the petition of P. Morey, Attorney General, which was referred to the committee on claims.

On motion of Mr. Tucker,

The House took up the motion to re-consider the vote appointing a committee to investigate the affairs of the board of internal improvement.

The question being upon re-considering said vote, the same prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Howard, | Mr. Spencer, |
| Mr. Bell, | Mr. LeBaron, | Mr. Steele, |
| Mr. Bush, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Coleman, | Mr. Pierce, | Mr. Williams, |
| Mr. Hammond, | Mr. Renwick, | Mr. Speaker, |
| Mr. Hart, | | |

22

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Ashman, | Mr. Foote, | Mr. Miller, |
| Mr. Backus, | Mr. Forbes, | Mr. Moran, |
| Mr. Barbour, | Mr. Fuller, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Carr, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. McDonald, | |

20

The question recurring upon the adoption of the resolution, Mr. Howard offered the following substitute:

Resolved, by the Senate and House of Representatives of the State of Michigan, That a committee of two of the Senate and three of the House, be appointed to investigate all the accounts, contracts and proceedings of the board of internal improvement, from the organization of the first board up to the pre-

sent time, with powers to swear witnesses, and to send for persons and papers.

Be it further resolved, That said committee have power to sit, during the recess, at such place or places on the several lines of internal improvement as they shall deem necessary for the purpose of the investigation, and report their proceedings to the Governor, for publication, at the earliest practicable period.

Mr. Axford moved to amend the substitute by striking out the word "three," wherever it occurs, and insert in lieu thereof, the word "two;" also the word "two," and insert "one."

Mr. Renwick moved to amend the amendment by striking out all after the word "resolved;" which prevailed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Pierce, |
| Mr. Backus, | Mr. Fuller, | Mr. Renwick, |
| Mr. Barbour, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Button, | Mr. Larue, | Mr. Sprague, |
| Mr. Carr, | Mr. LeBaron, | Mr. Steele, |
| Mr. Castle, | Mr. McClelland, | Mr. Stockton, |
| Mr. Champlin, | Mr. McDonald, | Mr. Tucker, |
| Mr. Cook, | Mr. Moran, | Mr. Underwood, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Williams, |
| Mr. Foote, | Mr. Newton, | |

35

NAYS.

| | | |
|---------------|--------------|--------------|
| Mr. Axford, | Mr. Hammond, | Mr. Lathrop, |
| Mr. Bell, | Mr. Howard, | Mr. Miller, |
| Mr. Bird, | Mr. Ingalls, | Mr. Speaker, |
| Mr. Cathcart, | | |

10

The question recurring upon the adoption of the original resolution,

Mr. McClelland moved to strike out the word "five," and insert "three," which was lost, by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Spencer, |
| Mr. Bell, | Mr. McClelland, | Mr. Steele, |
| Mr. Bush, | Mr. McDonald, | Mr. Walker, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Williams, |

Mr. Champlin,
Mr. Dunham,

Mr. Renwick,

Mr. Speaker,

16

NAYS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,
Mr. Bird,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Cook,
Mr. Coleman,
Mr. Foote,

Mr. Forbes,
Mr. Fuller,
Mr. Hart,
Mr. Harbaugh,
Mr. Howard,
Mr. Johnson,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,
Mr. Miller,

Mr. Moran,
Mr. McReynolds,
Mr. Newton,
Mr. Pierce,
Mr. Sanborn,
Mr. Sprague,
Mr. Stockton,
Mr. Tucker,
Mr. Underwood,

29

Mr. Pierce moved to lay the resolution upon the table, which was lost, by yeas and nays, as follows:

YEAS.

Mr. Axford,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Cathcart,
Mr. Dunham,

Mr. Fuller,
Mr. Hammond,
Mr. McClelland,
Mr. Moran,
Mr. Mulhollan,

Mr. Pierce,
Mr. Steele,
Mr. Stockton,
Mr. Walker,
Mr. Williams,

16

NAYS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Champlin,
Mr. Cook,
Mr. Coleman,
Mr. Foote,

Mr. Forbes,
Mr. Hart,
Mr. Harbaugh,
Mr. Howard,
Mr. Ingalls,
Mr. Johnson,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,
Mr. McDonald,

Mr. McReynolds,
Mr. Newton,
Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Tucker,
Mr. Underwood,
Mr. Speaker,

29

The question recurring upon the original resolution, the same was adopted, by the following vote:

YEAS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Cook,
Mr. Coleman,

Mr. Hart,
Mr. Harbaugh,
Mr. Howard,
Mr. Johnson,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,
Mr. McDonald,

Mr. Newton,
Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Turner,

| | | | |
|-------------|-----------------|----------------|----|
| Mr. Foote, | Mr. Moran, | Mr. Underwood, | |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Walker, | |
| Mr. Fuller, | Mr. McReynolds, | | 32 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Axford, | Mr. Champlin, | Mr. Miller, | |
| Mr. Bell, | Mr. Dunham, | Mr. Steele, | |
| Mr. Bird, | Mr. Hammond, | Mr. Williams, | |
| Mr. Bush, | Mr. Ingalls, | Mr. Speaker, | |
| Mr. Cathcart, | Mr. McClelland, | | 14 |

On motion of Mr. Hammond,

The House resolved itself into committee of the whole, on the substitute for House bill number ninety-four, "to provide for the return and collection of taxes;" Mr. Spencer in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment.

The bill being under consideration,

Mr. Bush moved to strike out all after the enacting clause; which was negatived, by the following vote:

YEAS.

| | | | |
|--------------|-----------------|----------------|----|
| Mr. Axford, | Mr. Forbes, | Mr. McDonald, | |
| Mr. Bush, | Mr. Fuller, | Mr. Mulhollan, | |
| Mr. Carr, | Mr. Ingalls, | Mr. Pierce, | |
| Mr. Coleman, | Mr. Johnson, | Mr. Renwick, | |
| Mr. Dunham, | Mr. Larue, | Mr. Spencer, | |
| Mr. Foote, | Mr. McClelland, | Mr. Steele, | 18 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Hammond, | Mr. Sanborn, | |
| Mr. Backus, | Mr. Hart, | Mr. Sprague, | |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Stockton, | |
| Mr. Bell, | Mr. Howard, | Mr. Tucker, | |
| Mr. Bird, | Mr. LeBaron, | Mr. Turner, | |
| Mr. Button, | Mr. Lathrop, | Mr. Underwood, | |
| Mr. Castle, | Mr. Miller, | Mr. Walker, | |
| Mr. Cathcart, | Mr. McReynolds, | Mr. Williams, | |
| Mr. Champlin, | Mr. Newton, | Mr. Speaker, | |
| Mr. Cook, | | | 28 |

The bill was then ordered to a third reading.

Mr. LeBaron moved, that the rule be suspended, that the bill may pass; which motion was lost, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|-----------|-------------|
| Mr. Ashman, | Mr. Hart, | Mr. Newton, |
|-------------|-----------|-------------|

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Howard, | Mr. Stockton, |
| Mr. Bell, | Mr. Johnson, | Mr. Tucker, |
| Mr. Button, | Mr. Larue, | Mr. Turner, |
| Mr. Castle, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Walker, |
| Mr. Champlin, | Mr. Miller, | Mr. Williams, |
| Mr. Cook, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Hammond, | | |

28

NAYS.

| | | |
|--------------|-----------------|--------------|
| Mr. Axford, | Mr. Fuller, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bush, | Mr. Kenny, | Mr. Spencer, |
| Mr. Carr, | Mr. McClelland, | Mr. Sprague, |
| Mr. Coleman, | Mr. McDonald, | Mr. Steele, |
| Mr. Foote, | Mr. Mulhollan, | |

17

On motion of Mr. Howard,

The House took up the resolution relative to the appointment of a recording clerk.

Mr. Howard offered the following substitute therefor, which was adopted:

Resolved, That the Speaker of the House be authorized to employ such assistants to the several clerks in the House, as may in his mind be necessary to enable them severally to discharge their respective duties: *Provided*, that not more than two dollars per day shall be paid to any assistant thus appointed.

Mr. Renwick offered the following preamble and resolution:

Whereas, it has been stated by the treasurer of the university, that on application to the Treasurer of the State, agreeably to the provisions of section two, chapter two, part first, title twelve of the revised statutes, and on presentation of the warrant of the Auditor General, issued to him, under the provisions of section four, chapter one, title eleven of the revised statutes, for the sum of \$6,402 91, reported by the Superintendent of Public Instruction, page twenty-three, as interest arising from the fund of said university during the year 1839, the treasurer of said university has been informed by said State Treasurer that there are no funds in his hands applicable to said warrant: therefore,

Resolved, That a select committee of three be appointed to inquire why said warrant is not paid, and report to this House as soon as practicable; which was adopted.

The Chair announced as such committee Messrs. Renwick, Bell and Sprague.

Mr. Renwick also offered the following:

Resolved, That during the remainder of the session, no motion to re-consider shall be in order after a bill, resolution or message, report, amendment or motion upon which the vote was taken, shall have gone out of the possession of the House, announcing their decision, nor at any time thereafter, unless the motion to re-consider shall be made previous to the next adjournment of the House after the passage of said bill or resolution.

Which was adopted, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McReynolds, |
| Mr. Axford, | Mr. Fuller, | Mr. Newton, |
| Mr. Backus, | Mr. Hammond, | Mr. Pierce, |
| Mr. Barbour, | Mr. Hart, | Mr. Renwick, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bird, | Mr. Howard, | Mr. Spencer, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Button, | Mr. Johnson, | Mr. Stockton, |
| Mr. Carr, | Mr. Kenny, | Mr. Tucker, |
| Mr. Castle, | Mr. Larue, | Mr. Turner, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Champlin, | Mr. McClelland, | Mr. Walker, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |
| Mr. Coleman, | Mr. Miller, | Mr. Speaker, |
| Mr. Dunham, | | |

43

NAYS.

Mr. Mulhollan, Mr. Steele,

2

On motion of Mr. Button,

The House resolved itself into committee of the whole, on the substitute for Senate bill number fifty-five, "to abolish the office of county commissioners, and to substitute therefor, a board of supervisors," Mr. McReynolds in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in.

Mr. Backus moved to further amend said bill by inserting after the word "justices," in section four, the words "and clerks;" which amendment was adopted.

Mr. Kenny moved to amend by striking out the first and second lines of said bill, which motion was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Moran, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Mulhollan, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Stockton, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Turner, |
| Mr. Dunham, | Mr. McClelland, | Mr. Underwood, |
| Mr. Fuller, | Mr. Miller, | |

17

NAYS.

| | | |
|--------------|-----------------|---------------|
| Mr. Axford, | Mr. Foote, | Mr. Newton, |
| Mr. Backus, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bell, | Mr. Hart, | Mr. Renwick, |
| Mr. Bird, | Mr. Howard, | Mr. Sanborn, |
| Mr. Bush, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. Larue, | Mr. Tucker, |
| Mr. Castle, | Mr. LeBaron, | Mr. Walker, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |
| Mr. Coleman, | Mr. McReynolds, | Mr. Speaker, |

30

Mr. Pierce moved to amend the fourth section, by striking out all after the word "the," in the first line, and inserting in lieu thereof, the words following: "the sum of one dollar per day."

Mr. Bird moved to amend the amendment, by substituting the following: "the said supervisors shall severally be allowed one dollar and fifty cents per day, as full compensation for their services."

On motion of Mr. Bell,

A division of the question was ordered, and the House refused to strike out, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Axford, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Button, | Mr. Howard, | Mr. Pierce, |
| Mr. Carr, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Champlin, | Mr. Larue, | Mr. Spencer, |

| | | |
|--------------|-----------------|----------------|
| Mr. Coleman, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Dunham, | Mr. Lathrop, | Mr. Turner, |
| Mr. Foote, | Mr. McClelland, | Mr. Underwood, |
| Mr. Forbes, | Mr. McDonald, | Mr. Walker, |
| Mr. Fuller, | Mr. Moran, | Mr. Speaker, |
| Mr. Hammond, | Mr. Mulhollan, | |

32

NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Castle, | Mr. Sanborn, |
| Mr. Backus, | Mr. Cathcart, | Mr. Steele, |
| Mr. Barbour, | Mr. Cook, | Mr. Stockton, |
| Mr. Bell, | Mr. Johnson, | Mr. Tucker, |
| Mr. Bush, | Mr. Miller, | Mr. Williams, |

15

The question recurring upon Mr. Bird's amendment to the amendment,

Mr. Pierce withdrew his motion, and the question then being upon Mr. Bird's amendment,

Mr. McClelland moved the following substitute:

"The supervisors shall severally be allowed one dollar per day while actually engaged in the discharge of their duties, and six cents for each mile traveled, in going from their places of residence to the place of meeting, and this shall be a full compensation for their services and expenses."

Mr. Bird withdrew his motion, and the question being upon Mr. McClelland's amendment, he withdrew the same.

Mr. Axford renewed the amendment of Mr. Bird, and

Mr. McClelland then renewed his amendment to the amendment.

Mr. Axford withdrew his amendment, and the question being upon Mr. McClelland's motion,

Mr. Spencer moved to so amend the amendment, that supervisors shall be allowed one dollar and twenty-five cents per day, which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|---------------|----------------|
| Mr. Axford, | Mr. McDonald, | Mr. Pierce, |
| Mr. Bird, | Mr. Moran, | Mr. Spencer, |
| Mr. Carr, | Mr. Newton, | Mr. Underwood, |
| Mr. Larue, | | |

10

NAYS.

| | | |
|-------------|-------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, |

| | | |
|---------------|-----------------|---------------|
| Mr. Bell, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bush, | Mr. Hart, | Mr. Sanborn, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Castle, | Mr. Howard, | Mr. Steele, |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Champlin, | Mr. Johnson, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Turner, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Walker, |
| Mr. Dunham, | Mr. McClelland, | Mr. Williams, |
| Mr. Foote, | Mr. Miller, | Mr. Speaker, |

36

The question recurring upon Mr. McClelland's motion,

Mr. Hammond moved the following amendment: add after the word "dollar," "fifty cents," and after the words "going from," add the words "and returning to his home."

Mr. McClelland then withdrew his motion,

Mr. Hammond moved the following as a substitute for section four:

"Sec. 4. The said supervisors shall severally be allowed as full compensation for their services and expenses, the sum of one dollar and fifty cents per day, while acting in capacity of said board, and six and a fourth cents per mile for traveling to and from the place of meeting of said board."

Mr. Bird moved to adjourn, which motion was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. McClelland, |
| Mr. Axford, | Mr. Hart, | Mr. Miller, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Moran, |
| Mr. Bush, | Mr. Ingalls, | Mr. Mulhollan, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cook, | Mr. Lathrop, | Mr. Speaker, |

21

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Fuller, | Mr. Sanborn, |
| Mr. Bell, | Mr. Howard, | Mr. Sprague, |
| Mr. Button, | Mr. Larue, | Mr. Steele, |
| Mr. Castle, | Mr. McDonald, | Mr. Tucker, |
| Mr. Champlin, | Mr. McReynolds, | Mr. Turner, |
| Mr. Coleman, | Mr. Newton, | Mr. Underwood, |
| Mr. Dunham, | Mr. Pierce, | Mr. Walker, |
| Mr. Foote, | Mr. Renwick, | Mr. Williams, |
| Mr. Forbes, | | |

25

The question recurring upon Mr. Hammond's substitute,
Mr. Pierce moved to so amend the same as to strike out
traveling fees, which motion was negatived.

Mr. Axford moved to adjourn, which motion was negatived,
by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Ashman, | Mr. Hart, | Mr. Miller, | |
| Mr. Axford, | Mr. Harbaugh, | Mr. Spencer, | |
| Mr. Bird, | Mr. LeBaron, | Mr. Sprague, | |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Stockton, | |
| Mr. Cook, | Mr. McClelland, | Mr. Speaker, | 15 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Backus, | Mr. Fuller, | Mr. Newton, | |
| Mr. Bell, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Bush, | Mr. Howard, | Mr. Renwick, | |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Johnson, | Mr. Steele, | |
| Mr. Castle, | Mr. Larue, | Mr. Tucker, | |
| Mr. Champlin, | Mr. McDonald, | Mr. Turner, | |
| Mr. Coleman, | Mr. Moran, | Mr. Underwood, | |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Walker, | |
| Mr. Foote, | Mr. McReynolds, | Mr. Williams, | |
| Mr. Forbes, | | | 31 |

The question recurring upon Mr. Hammond's substitute, and
much debate ensuing,

Mr. Howard moved the previous question, which the House
refused to sustain, by the following vote:

YEAS.

| | | | |
|--------------|--------------|--------------|----|
| Mr. Bird, | Mr. Foote, | Mr. Johnson, | |
| Mr. Button, | Mr. Forbes, | Mr. Renwick, | |
| Mr. Carr, | Mr. Fuller, | Mr. Spencer, | |
| Mr. Castle, | Mr. Hart, | Mr. Sprague, | |
| Mr. Cook, | Mr. Howard, | Mr. Tucker, | |
| Mr. Coleman, | Mr. Ingalls, | | 17 |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Larue, | Mr. Pierce, |
| Mr. Axford, | Mr. LeBaron, | Mr. Sanborn, |
| Mr. Backus, | Mr. Lathrop, | Mr. Steele, |
| Mr. Bell, | Mr. McClelland, | Mr. Stockton, |
| Mr. Bush, | Mr. McDonald, | Mr. Turner, |
| Mr. Cathcart, | Mr. Miller, | Mr. Underwood, |
| Mr. Champlin, | Mr. Moran, | Mr. Walker, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Williams, |

| | | | |
|---------------|-----------------|--------------|----|
| Mr. Hammond, | Mr. McReynolds, | Mr. Speaker, | 29 |
| Mr. Harbaugh, | Mr. Newton, | | |

The question recurring upon the adoption of Mr. Hammond's amendment,

Mr. McClelland moved to amend the amendment by substituting therefor; "the sum of one dollar per day, whilst actually engaged in the discharge of their duties, and ten cents a mile, for every mile actually traveled in going from their residence to the place of meeting, which shall be in full for their services and expenses;" which was lost, by the following vote:

YEAS.

| | | | |
|-----------------|-----------------|----------------|----|
| Mr. Axford, | Mr. McDonald, | Mr. Newton, | 10 |
| Mr. Harbaugh, | Mr. Mulhollan, | Mr. Pierce, | |
| Mr. Lathrop, | Mr. McReynolds, | Mr. Underwood, | |
| Mr. McClelland, | | | |

NAYS.

| | | | |
|---------------|--------------|---------------|----|
| Mr. Ashman, | Mr. Foote, | Mr. Renwick, | 35 |
| Mr. Backus, | Mr. Forbes, | Mr. Sanborn, | |
| Mr. Bell, | Mr. Fuller, | Mr. Spencer, | |
| Mr. Bird, | Mr. Hammond, | Mr. Sprague, | |
| Mr. Bush, | Mr. Hart, | Mr. Steele, | |
| Mr. Button, | Mr. Howard, | Mr. Stockton, | |
| Mr. Carr, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Castle, | Mr. Johnson, | Mr. Turner, | |
| Mr. Cathcart, | Mr. Larue, | Mr. Walker, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Williams, | |
| Mr. Cook, | Mr. Miller, | Mr. Speaker, | |
| Mr. Coleman, | Mr. Moran, | | |

The question again recurring upon Mr. Hammond's substitute, the same prevailed.

Mr. Hammond moved to further amend said bill, by inserting the word "July," before the word "October," in the fifth line of the second section; which motion prevailed.

On motion of Mr. Backus,

The fourth section was amended by inserting after the word "supervisors," in the first line, the words "justices and clerks."

Mr. Harbaugh moved further to amend said bill, by adding the following as an additional section:

"Be it further enacted, That the county of Wayne be, and the same is hereby exempted from the provisions of this act;" pending which,

Mr. Bell moved to adjourn, which motion prevailed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Bell, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Bush, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Button, | Mr. Lathrop, | Mr. Steele, |
| Mr. Carr, | Mr. McClelland, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Miller, | Mr. Turner, |
| Mr. Hammond, | Mr. Moran, | Mr. Williams, |
| Mr. Hart, | Mr. Mulholland, | Mr. Speaker, |
| | | 24 |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bird, | Mr. Fuller, | Mr. Renwick, |
| Mr. Castle, | Mr. Howard, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Johnson, | Mr. Tucker, |
| Mr. Coleman, | Mr. Larue, | Mr. Underwood, |
| Mr. Davis, | Mr. McReynolds, | Mr. Walker, |
| Mr. Foote, | | 19 |

Wednesday, March 19, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, all the members were present, except those absent on leave.

PETITIONS.

Mr. Ingalls presented sundry accounts for the funeral expenses of the Hon. Isaac G. Bailey.

Also, sundry accounts for candles, &c., furnished for the House of Representatives; which were severally referred to the committee on claims.

REPORTS.

Mr. Hammond, from the select committee, to whom was referred the special message of the Executive relative to a modification of the five million loan, submitted a minority report thereon.

Mr. Hammond moved that the majority and minority reports of the Senate on said subject, be printed for the use of the House.

Mr. Howard moved to amend the motion by ordering three hundred extra copies printed, and

On motion of Mr. Tucker, the motion to print was ordered to lie upon the table.

Mr. Renwick, from the committee on ways and means, to whom was referred the special message of the Executive, recommending the appointment by the House, of a committee to prepare for publication, with the laws of the present session, an accurate statement of the receipts and expenditures of the government, submitted a report thereon, accompanied with the following resolution:

Resolved, That a select committee of three be appointed to prepare for publication, with the laws of the present session, so far as the same shall be practicable, a correct estimate of the receipts and expenditures of the government from the time of the admission of the state into the Union unto the present time.

Which was adopted, and the report ordered to lie upon the table.

The Chair announced as such committee, Messrs. Renwick, McClelland and Howard.

On motion of Mr. Renwick,

The message of the Executive, referred to the committee on ways and means, was ordered printed.

(*See House Document No. 64.*)

Mr. Howard, from the committee on internal improvement, to whom was referred the petition of the Monroe and Ypsilanti railroad company, praying for a loan of railroad iron, reported adverse to the prayer of the petitioners, and the committee were discharged from the further consideration of the subject.

Mr. Howard, from the same committee, to whom was referred the communication of the Executive, concerning the application of the Buffalo and Niagara Falls railroad company, to purchase a quantity of railroad iron belonging to this state, and remaining at Buffalo, reported that the committee deem it inexpedient to sell any of the railroad iron, now owned by the

state, believing that it will all be required on our own works of internal improvement; the committee were discharged from the further consideration of the subject.

Mr. Ashman, from the committee on roads and bridges, to whom was referred a "Bill to provide for the laying out and establishing certain state roads," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled:

"An act to regulate the salary of Governor and for other purposes."

Also, "An act to define the eastern and southern boundaries of the township of Dearborn, Wayne county."

Also, "An act to provide for the disposition of prisoners apprehended within the county of Ingham."

Also, "An act to amend 'An act to provide for the safe keeping and management of the state library.'"

Also, "An act to organize certain townships."

Mr. Bell, from the same committee, reported as correctly enrolled, "An act to provide for the sale of certain lands to the settlers thereon, and for other purposes."

Mr. Lathrop, from the select committee of three, appointed to inquire into the situation of the loan of \$40,000, authorized by the law of April 19, 1839, "supplementary to the law authorizing the building of the state penitentiary," and report to this House how much of said loan has been received, how much expended, and the situation of the balance of said loan, submitted a report thereon, accompanied by the following joint resolutions:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be, and he is hereby authorized and directed to audit and settle the claims of all persons, for materials furnished and labor performed, for the construction of the state prison, since the twenty-fourth day of June, one thousand eight hundred and thirty-nine, and that he be directed to draw his warrant on the Treasurer, for

such sums as he shall find to be due the respective individuals; *Provided*, no claim shall be so allowed, without being first certified by the building commissioner, that it is correct.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General of this state be, and he is hereby authorized to settle the claim of the state against W. Ford and Son, on account of the contract entered into with them by Governor Mason, for the payment of forty thousand dollars, for that amount of state bonds sold to said Ford and Son, in such manner as he may deem for the best interest of the state.

Which were laid upon the table, according to rule, for one day; and

On motion of Mr. Harbaugh, the report was ordered printed.

(See House Document No. 63.)

Mr. Renwick offered the following resolution:

Resolved, That a select committee of three be appointed by the House of Representatives, to examine into the affairs and condition of the bank of River Raisin, with power to send for persons and papers, with leave to sit at said bank during the recess of the legislature, and report to the Governor.

On motion of Mr. Renwick, the resolution was laid upon the table.

Mr. Steele laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That it shall not be competent for any commissioner or board of commissioners of internal improvement, or any collector of tolls or fare, or any engineer or other person being employed by the state, upon any of the public works of internal improvement, to permit or allow any person or persons to pass or re-pass upon any vehicle or conveyance owned by the state, until such person shall have paid the regular and usual fare for such passage.

Mr. Axford gave notice, that on some future day, he would ask leave to bring in a bill to amend part first, title nine, chap-

ter two of the revised statutes, entitled "of lost goods and estray beasts."

The House took up for a third reading, the substitute for House bill number ninety-four, "to provide for the return and collection of taxes," and the question being upon its passage,

Mr. Bush moved to amend the same by striking out all after the enacting clause, and substitute therefor, House bill number ninety-four.

On motion of Mr. Champlin, a division of the question was ordered.

The question being taken upon striking out, it was decided in the negative, by the following vote:

YEAS.

| | | | |
|--------------|-----------------|--------------|----|
| Mr. Bird, | Mr. Ingalls, | Mr. Spencer, | |
| Mr. Bush, | Mr. McClelland, | Mr. Sprague, | |
| Mr. Coleman, | Mr. McDonald, | Mr. Steele, | |
| Mr. Dunham, | Mr. Mulhollan, | | 11 |

NAYS.

| | | | |
|---------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Foote, | Mr. Lathrop, | |
| Mr. Backus, | Mr. Forbes, | Mr. Miller, | |
| Mr. Barbour, | Mr. Fuller, | Mr. McReynolds, | |
| Mr. Bell, | Mr. Hammond, | Mr. Newton, | |
| Mr. Button, | Mr. Hart, | Mr. Stockton, | |
| Mr. Carr, | Mr. Harbaugh, | Mr. Underwood, | |
| Mr. Castle, | Mr. Howard, | Mr. Walker, | |
| Mr. Cathcart, | Mr. Johnson, | Mr. Williams, | |
| Mr. Champlin, | Mr. Larue, | Mr. Speaker, | |
| Mr. Cook, | Mr. LeBaron, | | 29 |

The question again recurring upon the passage of said bill,

Mr. Walker moved to amend the third section, in third line, by striking out the word "seven," and inserting in lieu thereof, the word "ten;" which motion did not prevail.

And the bill was then read the third time and passed.

The title being under consideration,

Mr. Hammond moved the following substitute: "to provide for the payment of the amount due the several counties on account of delinquent taxes;" which was adopted.

On motion of Mr. Champlin,

The unfinished business was ordered to lie upon the table.

The House took up for consideration the special order of the

day, the "Bill to authorize the anticipation of certain instalments of the five million loan."

The question being upon the adoption of the amendment offered by Mr. Hammond to the first amendment made by the Senate to said bill, the same was rejected, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. McClelland, | Mr. Turner, |
| Mr. Bell, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Bush, | Mr. Spencer, | Mr. Walker, |
| Mr. Cathcart, | Mr. Steele, | Mr. Williams, |
| Mr. Hammond, | Mr. Stockton, | |

14

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Lathrop, |
| Mr. Barbour, | Mr. Fuller, | Mr. McDonald, |
| Mr. Bird, | Mr. Hart, | Mr. Miller, |
| Mr. Button, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Carr, | Mr. Howard, | Mr. Newton, |
| Mr. Castle, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Champlin, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Cook, | Mr. Larue, | Mr. Sprague, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Foote, | | |

29

Mr. McClelland moved the following amendment to come in at the end of the first Senate amendment: "and if any of said drafts be protested for non-acceptance or non-payment, the bank drawing the same shall, on presentation of such draft, pay the same, together with the legal costs, charges and damages, in specie, if demanded, to the holder of said draft; and if the bank neglects or refuses to pay said draft in manner aforesaid, then the Attorney General shall, on notice of the fact, immediately thereafter, institute proceedings against such bank, in the manner provided in the tenth section of this act."

Which amendment was rejected by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Steele, |
| Mr. Bell, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Bush, | Mr. McClelland, | Mr. Turner, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Dunham, | Mr. Spencer, | Mr. Williams, |

15

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Miller, |
| Mr. Backus, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Fuller, | Mr. Newton, |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Carr, | Mr. Howard, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Tucker, |
| Mr. Champlin, | Mr. Larue, | Mr. Underwood, |
| Mr. Cook, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Coleman, | Mr. Lathrop, | |

29

Mr. Hammond moved the following amendment to the first Senate amendment to the eighth section, to be inserted after the word "instalment:" "and they shall exhaust the instalments in the order in which they fall due, before drawing against a subsequent instalment, or such parts thereof as may become due and payable;" which amendment was also lost, and the House concurred in the first amendment made by the Senate to said bill.

The second amendment of the Senate being under consideration,

Mr. Hammond moved to amend the same, by adding the following, to come in at the end of said amendment: "and they shall exhaust the instalments in the order in which they fall due, before drawing against a subsequent instalment or such parts thereof, as may become due and payable."

Mr. Backus moved to amend the amendment by adding the following: "or such part thereof, as may be paid when the same become due and payable;" which amendment was accepted by Mr. Hammond.

And the question being upon his amendment as amended, the same was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. McClelland, | Mr. Turner, |
| Mr. Bush, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Cathcart, | Mr. Spencer, | Mr. Williams, |
| Mr. Dunham, | Mr. Steele, | |

14

NAYS.

| | | |
|-------------|-------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, |

| | | |
|---------------|---------------|----------------|
| Mr. Barbour, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Button, | Mr. Howard, | Mr. Renwick, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, |
| Mr. Champlin, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Foote, | Mr. McDonald, | 32 |

The question recurring upon the adoption of the amendment of the Senate,

Mr. Bell moved an amendment, by adding the following to the same:

“ Provided further, That the amount of bills or notes issued and put in circulation by any such bank, and remaining outstanding at the expiration of the time limited for its suspension by the fourth section of this act, to wit: “ on the first Monday of February next, shall not exceed twice the amount of specie actually owned and in the vaults of said bank.”

Which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Axford, | Mr. Ingalls, | Mr. Steele, |
| Mr. Bell, | Mr. McClelland, | Mr. Stockton, |
| Mr. Bush, | Mr. McDonald, | Mr. Turner, |
| Mr. Cathcart, | Mr. Moran, | Mr. Walker, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Hammond, | | 16 |

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Miller, |
| Mr. Backus, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Fuller, | Mr. Newton, |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Carr, | Mr. Howard, | Mr. Spencer, |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, |
| Mr. Champlin, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Speaker, |
| | | 30 |

The question again recurring upon the amendment of the Senate,

Mr. Tucker moved to amend the same by adding the following:

"*Provided*, The Auditor General is hereby directed to sell to the bank of St. Clair, at any time said bank may apply to him, one hundred thousand dollars of any one instalment of the five million loan, unsold at the time said bank may make the application, and said bank of St. Clair shall be entitled to all the benefits and privileges of this act; *Provided*, said bank files its assent to the provisions herein contained, at any time during the existence of this act."

Which amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Ashman, | Mr. Forbes, | Mr. Newton, | |
| Mr. Axford, | Mr. Hammond, | Mr. Steele, | |
| Mr. Bell, | Mr. McClelland, | Mr. Stockton, | |
| Mr. Bush, | Mr. McDonald, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. Moran, | Mr. Turner, | |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Walker, | |
| Mr. Foote, | Mr. McReynolds, | Mr. Williams, | 21 |

NAYS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. Backus, | Mr. Fuller, | Mr. Lathrop, | |
| Mr. Barbour, | Mr. Hart, | Mr. Miller, | |
| Mr. Bird, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Button, | Mr. Howard, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Ingalls, | Mr. Spencer, | |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, | |
| Mr. Champlin, | Mr. Larue, | Mr. Underwood, | |
| Mr. Cook, | Mr. LeBaron, | Mr. Speaker, | |
| Mr. Coleman, | | | 25 |

The question yet recurring upon concurring in the amendment of the Senate, the same prevailed, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Foote, | Mr. LeBaron, | |
| Mr. Backus, | Mr. Forbes, | Mr. Lathrop, | |
| Mr. Barbour, | Mr. Fuller, | Mr. Miller, | |
| Mr. Bird, | Mr. Hart, | Mr. McReynolds, | |
| Mr. Button, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Carr, | Mr. Howard, | Mr. Renwick, | |
| Mr. Champlin, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Cook, | Mr. Kenny, | Mr. Sprague, | |
| Mr. Coleman, | Mr. Larue, | Mr. Speaker, | 27 |

NAYS.

| | | |
|---------------|-----------------|------------------|
| Mr. Axford, | Mr. Ingalls, | Mr. Steele, |
| Mr. Bell, | Mr. McClelland, | Mr. Stockton, |
| Mr. Bush, | Mr. McDonald, | Mr. Tucker, |
| Mr. Castle, | Mr. Moran, | Mr. Turner, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Dunham, | Mr. Pierce, | Mr. Walker, |
| Mr. Hammond, | Mr. Spencer, | Mr. Williams, 21 |

Upon the concurrence by the House in the amendment made to the bill by the Senate, the Speaker decided that the bill was then passed, and that the bill could not again be put upon its passage.

From this decision an appeal was taken by Mr. Tucker, and the decision of the Speaker sustained by the following vote:

YEAS.

| | | |
|---------------|---------------|------------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, |
| Mr. Axford, | Mr. Fuller, | Mr. Moran, |
| Mr. Backus, | Mr. Hart, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Bird, | Mr. Howard, | Mr. Pierce, |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |
| Mr. Castle, | Mr. Kenny, | Mr. Sprague, |
| Mr. Champlin, | Mr. Larue, | Mr. Steele, |
| Mr. Cook, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Dunham, | Mr. McDonald, | Mr. Williams, 37 |
| Mr. Foote, | | |

NAYS.

| | | |
|---------------|-----------------|-------------|
| Mr. Bell, | Mr. McClelland, | Mr. Tucker, |
| Mr. Bush, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Cathcart, | Mr. Renwick, | Mr. Walker, |
| Mr. Hammond, | | 10 |

The Speaker was called upon for a decision, whether or not the bill required a vote of two-thirds to insure its passage; and,

The Chair decided the question negatively; and from this decision an appeal was also taken by Mr. Tucker, and the decision of the Chair sustained by the following vote:

YEAS.

| | | |
|-------------|------------|---------------|
| Mr. Ashman, | Mr. Foote, | Mr. McDonald, |
|-------------|------------|---------------|

| | | |
|---------------|---------------|-----------------|
| Mr. Axford, | Mr. Forbes, | Mr. Miller, |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Newton, |
| Mr. Button, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Howard, | Mr. Renwick, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cook, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Coleman, | Mr. Lathrop, | 29 |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. McClelland, | Mr. Tucker, |
| Mr. Bush, | Mr. Moran, | Mr. Turner, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Dunham, | Mr. Steele, | Mr. Walker, |
| Mr. Hammond, | Mr. Stockton, | Mr. Williams, |
| Mr. Larue, | | 16 |

On motion of Mr. Champlin, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

On calling the roll, the same members were present as in the morning.

On motion of Mr. McDonald,

The committee of the whole were discharged from the further consideration of the "Bill to authorize the board of commissioners of internal improvement to loan to the Palmyra and Jacksonburg railroad company a certain amount of railroad iron;" and on his motion, the House took up the same for consideration.

Mr. McDonald moved to amend said bill, by filling the blank in the first section, eighth line, with "six."

Mr. Hammond moved to amend the motion, by filling the blank with "eight;" which motion prevailed.

Mr. Sprague moved to further amend said bill, by striking out all after the enacting clause.

Mr. Spencer moved to amend the amendment, by inserting in the first section, sixth line, after the word "Clinton," "if the same, in the opinion of said board, is not wanted by the state."

Mr. Miller moved to lay the whole subject upon the table; which motion did not prevail.

The question recurring upon the amendment offered by Mr. Spencer, it was adopted.

The question then recurring upon striking out all after the enacting clause, the same was lost, by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|-----------------|--------------|----|
| Mr. Button, | Mr. Johnson, | Mr. Pierce, | |
| Mr. Coleman, | Mr. Miller, | Mr. Sanborn, | |
| Mr. Foote, | Mr. Mulhollan, | Mr. Sprague, | |
| Mr. Fuller, | Mr. McReynolds, | Mr. Walker, | |
| Mr. Howard, | | | 13 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Backus, | Mr. Forbes, | Mr. Newton, | |
| Mr. Bell, | Mr. Hammond, | Mr. Spencer, | |
| Mr. Bird, | Mr. Hart, | Mr. Steele, | |
| Mr. Carr, | Mr. Harbaugh, | Mr. Stockton, | |
| Mr. Castle, | Mr. Larue, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, | |
| Mr. Dunham, | Mr. Moran, | Mr. Speaker, | 27 |

The bill was then ordered to a third reading.

On motion of Mr. Underwood,

The committee of the whole were discharged from the House bill number ninety-one, "to change the name of the first Presbyterian church and society of the village of Adrian;" and on his motion, the House took up the same for consideration.

Mr. Underwood moved to add the following to the end of the first section: "and the same shall hereafter be in fact as well as in name, a Congregational church and society; and all rights, privileges, property and estate belonging to the first Presbyterian church and society of the village of Adrian, shall be vested in and remain with the first Congregational church and society of Adrian;" which was adopted, and the bill was ordered to a third reading.

On motion of Mr. LeBaron,

The rule was suspended and the bill read the third time and passed.

On motion of Mr. Bell,

The committee of the whole were discharged from House bill number one hundred and seventeen, "for the relief of the county of Ottawa;" and on his motion, the House took up the same for consideration.

Mr. Pierce moved to amend said bill, by striking out "1839," in section six, third line; which motion did not prevail, and the bill was ordered to a third reading.

On motion of Mr. Bell, the rule was suspended the bill read the third time and passed.

On motion of Mr. Barbour,

The committee of the whole were discharged from House bill number one hundred and twelve, "to organize certain townships, and for other purposes;" and on his motion the House took up the same for consideration.

Mr. Champlin moved to amend said bill by striking out all after the enacting clause in the first section, and offered the following substitute:

"Sec. 1. That the counties of Midland, Gratiot and all the towns according to the United States survey north of town twelve, in range one, two and three, east of the meridian, as far north as town sixteen be, and the same are hereby set off and organized into a separate township by the name of Tittabawassa, and the first township meeting shall be held at the house of Obadiah Crane, in said township."

Which was adopted.

Mr. Bell offered the following additional section, to stand as the 4th, which was also adopted :

"Sec. 4. That the name of the township of Maple, in the county of Ionia, as now organized by law be, and the same is, hereby changed to the name of Lyons.

On motion of Mr. Champlin, the bill was ordered to lie upon the table.

On motion of Mr. Tucker,

The committee of the whole were discharged from House

bill number one hundred and twenty-one, "to establish the westerly line of the township of Cottrelville, in the county of St. Clair," and on his motion, the house took up the same for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Tucker,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Bell,

The general orders were ordered to lie upon the table; and on his motion, the House took up the unfinished business of yesterday; it being the bill entitled a "Bill to abolish the office of county commissioners, and to substitute therefor a board of supervisors."

On motion of Mr. Hammond,

A call of the House was ordered, and on calling the roll, there were absent without leave, Messrs. Ashman, Castle, Foote and Howard.

Mr. McDonald asked for, and obtained leave of absence for Mr. Ashman.

On motion of Mr. Bell, the sergeant-at-arms was ordered to bring in the absentees;

And on motion of Mr. Harbaugh,

The further proceedings under the call of the House were dispensed with.

The question recurring upon Mr. Harbaugh's amendment to the "Bill to abolish the office of county commissioners," &c., the same was negatived by yeas and nays, as follows:

YEAS.

| | | |
|-----------------|-----------------|----------------|
| Mr. Champlin, | Mr. Moran, | Mr. Stockton, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Turner, |
| Mr. Hammond, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Harbaugh, | Mr. Newton, | Mr. Speaker, |
| Mr. McClelland, | | |

13

NAYS.

| | | |
|--------------|-------------|---------------|
| Mr. Axford, | Mr. Foote, | Mr. McDonald, |
| Mr. Backus, | Mr. Forbes, | Mr. Miller, |
| Mr. Barbour, | Mr. Fuller, | Mr. Pierce, |

| | | |
|---------------|--------------|---------------|
| Mr. Bell, | Mr. Hart, | Mr. Renwick, |
| Mr. Bird, | Mr. Howard, | Mr. Sanborn, |
| Mr. Bush, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. Larue, | Mr. Tucker, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Walker, |
| Mr. Cook, | Mr. Lathrop, | Mr. Williams, |
| Mr. Coleman, | | 31 |

Mr. McReynolds offered the following additional section, to stand as section six:

"Sec. 6. The city of Detroit shall be entitled to six supervisors; one of whom shall be elected by each ward, at their general election, in the manner prescribed in the act regulating and providing for the same, and shall have the same power, and discharge the same duties in all cases, as supervisors of townships."

Which was adopted, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. LeBaron, | Mr. Steele, |
| Mr. Carr, | Mr. McClelland, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Tacker, |
| Mr. Coleman, | Mr. Moran, | Mr. Turner, |
| Mr. Fuller, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Hammond, | Mr. Newton, | Mr. Williams, |
| Mr. Harbaugh, | Mr. Sanborn, | Mr. Speaker, |
| Mr. Howard, | | 22 |

NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Backus, | Mr. Dunham, | Mr. Miller, |
| Mr. Barbour, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, |
| Mr. Bush, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cook, | Mr. Larue, | Mr. Walker, |
| | | 21 |

Mr. Hammond moved to further amend said bill by adding the following proviso at the end of section two: "*Provided*, That the board of supervisors shall not have power to build any county buildings, unless the consent of the electors shall first have been obtained in the manner prescribed in the revised statutes, section eight, chapter three, title three, part first, for the borrowing of money;" which amendment was adopted.

Mr. Hammond moved to further amend said bill, by insert-

ing after the word "judges," in second section, the words "and judge of probate;" which was also adopted.

Mr. Carr moved a re-consideration of the vote upon the adoption of Mr. McReynolds' additional section, and the same was re-considered, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Forbes, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bell, | Mr. Howard, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bush, | Mr. Johnson, | Mr. Spencer, |
| Mr. Button, | Mr. Larue, | Mr. Sprague, |
| Mr. Carr, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Turner, |
| Mr. Coleman, | Mr. McClelland, | Mr. Walker, |
| Mr. Dunham, | Mr. Miller, | |

29

NAYS.

| | | |
|---------------|--------------|----------------|
| Mr. Champlin, | Mr. Moran, | Mr. Stockton, |
| Mr. Cook, | Mr. Newton, | Mr. Underwood, |
| Mr. Fuller, | Mr. Sanborn, | Mr. Williams, |
| Mr. Hammond, | Mr. Steele, | Mr. Speaker, |
| Mr. Harbaugh, | | |

13

The question recurring upon the adoption of said section, it was rejected by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. LeBaron, | Mr. Steele, |
| Mr. Bush, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Tucker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Turner, |
| Mr. Fuller, | Mr. Moran, | Mr. Underwood, |
| Mr. Hammond, | Mr. Newton, | Mr. Williams, |
| Mr. Harbaugh, | Mr. Sanborn, | Mr. Speaker, |

21

NAYS.

| | | |
|--------------|--------------|-----------------|
| Mr. Backus, | Mr. Dunham, | Mr. Miller, |
| Mr. Barbour, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Pierce, |
| Mr. Button, | Mr. Howard, | Mr. Renwick, |
| Mr. Carr, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Castle, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cook, | Mr. Larue, | Mr. Walker, |
| Mr. Coleman, | | |

25

And the bill was ordered engrossed for a third reading, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|---------------|
| Mr. Axford, | Mr. Foote, | Mr. Pierce, |
| Mr. Bell, | Mr. Forbes, | Mr. Renwick, |
| Mr. Bird, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bush, | Mr. Hart, | Mr. Spencer, |
| Mr. Button, | Mr. Howard, | Mr. Sprague, |
| Mr. Carr, | Mr. Ingalls, | Mr. Steele, |
| Mr. Castle, | Mr. Johnson, | Mr. Tucker, |
| Mr. Champlin, | Mr. Larue, | Mr. Walker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Williams, |
| Mr. Coleman, | Mr. McDonald, | Mr. Speaker, |

30

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Lathrop, | Mr. McReynolds, |
| Mr. Barbour, | Mr. McClelland, | Mr. Newton, |
| Mr. Cathcart, | Mr. Miller, | Mr. Stockton, |
| Mr. Dunham, | Mr. Moran, | Mr. Turner, |
| Mr. Fuller, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Harbaugh, | | |

16

The Chair announced the following message from the Executive:

To the House of Representatives:

On the 16th March inst., I approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to vacate the seat of justice for the county of Branch, and to re-establish the same."

Also, on the 16th March inst., an act entitled "An act to amend title four and five, part two of the revised statutes."

Also, "title seven, part two, chapter five, of the same, 'relative to guardians and wards.'"

Also, an act entitled "An act for the relief of the bank of St. Clair,"

Also, an act entitled "An act to define the eastern and southern boundaries of the township of Dearborn, Wayne county."

Also, an act entitled "An act to provide for the disposition of prisoners apprehended within the county of Ingham."

Also, an act entitled "An act to establish the boundary lines of the township of Springwells."

Also, an act entitled "An act to provide for the organization of courts of special sessions, and to define their powers and duties."

WILLIAM WOODBRIDGE.

Executive Office, March 19, 1840.

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Thursday, March 19, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit a "Joint resolution relative to making statements, &c., of receipts and expenditures of the public money," which the Senate have passed and respectfully ask the concurrence of the House.

Also, to return the "Joint resolution relative to regents of the university," and the "Joint resolution relative to the Sault de Ste Marie canal;" the first of which the Senate has passed with an amendment, and ask concurrence; the other is concurred in, and passed by the Senate.

Also, to return the "Bill for the regulation of internal improvement," and inform you that the Senate have concurred in the House amendment to the Senate amendment to the twenty-fourth section of said bill, and finally passed the bill accordingly.

And further, I return herewith, by direction of the Senate, the "Bill to amend an act to provide for the government and discipline of the state prison at Jackson," and am instructed to inform you that the Senate have receded from their amendments to section one and section twenty, and have concurred in the amendment by the House to the Senate amendment, in section twenty-four, and that the Senate do not recede from their amendment to section four of said bill.

Also, that the Senate do not concur in the amendment by the House to the "Bill in relation to the Michigan state bank," and herewith return said bill.

And I am directed further, to inform you respectfully, that the "Bill to provide for the punishment of crimes at common law," was lost in the Senate.

D. W. KELLOGG,
Secretary of the Senate.

And the "Joint resolution relative to making a statement of receipts and expenditures of the public moneys," &c., was

twice read and referred to the committee on ways and means.

And the House concurred in the amendments made by the Senate to the "Joint resolution relative to regents of the university."

The House receded from its disagreement to the amendments made by the Senate to the "Bill to amend an act to provide for the government and discipline of the state prison at Jackson;" and,

On motion of Mr. Bell,

The Senate bill "in relation to the Michigan state bank," was laid upon the table.

Pursuant to previous notice, Mr. Tucker asked and obtained leave to introduce a "Bill to incorporate the stockholders of of the Agricultural bank of Michigan;" which was read twice and referred to the committee on banks and incorporations.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled a "Bill relative to highway taxes."

On motion of Mr. Renwick, the House took up for consideration the "Bill to abolish certain offices, and for other purposes."

Mr. Axford moved to amend said bill by striking out all between the words "for the," in the fourth line to the words "and all," in the fifth line in the first section, and insert in lieu thereof the following: "paying of the sum of twelve thousand dollars annually for three years, is so amended that there shall not be a greater sum than six thousand dollars paid for the year one thousand eight hundred and forty, for the purposes of completing said survey; *And it is further provided*, That the office of State Zoologist and State Botanist is hereby abolished."

Which amendment was not adopted.

Mr. Hammond moved to amend the second section of said bill, in the second line, by striking out "eight," and inserting in lieu thereof, "ten;" which amendment did not prevail.

Mr. McClelland moved to further amend said bill by striking out the fifth and sixth lines of section three, and attaching them to section four; which amendment prevailed.

Mr. Hammond moved to insert the words, "and fifty cents," after the word "dollar," in the fourth line of the third section; which motion did not prevail;

The bill was then ordered to a third reading.

On motion of Mr. Barbour,

The rule was suspended, the bill read the third time and passed.

Mr. Lathrop gave notice that he would at some future day ask leave to introduce a "Bill restricting the powers of sheriffs and for other purposes."

Mr. Button laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be, and he is hereby authorized and directed to dispose of the revised statutes of this state, (except such number as in his opinion will be necessary to supply the wants of the state, and the newly organized counties and towns,) either by private or public sale, and at such prices as he shall deem best for the interest of the state, and deposite the proceeds of the same in the Secretary of State's office, to the credit of the state of Michigan.

On motion of Mr. McReynolds, the House adjourned.

Friday, March 20, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent without leave, Messrs. Ashman, Axford, Davis and Moran.

Mr. Renwick asked and obtained leave of absence for Mr. Ashman, for an indefinite period, on account of indisposition.

Mr. Lathrop presented the claim of Samuel Cowles; which was referred to the committee on claims.

REPORTS.

Mr. Champlin, from the committee on towns and counties, to whom was referred Senate bill number sixty-five, "to provide for the publication of a map of the state of Michigan, and of the several counties therein," reported the same back to the

House without amendment; which was referred to the committee of the whole and placed upon the general order.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, March 19, 1840. }

To the Speaker of the House of Representatives :

SIR—The Senate have directed me to transmit, herewith, for the concurrence of the House, a “Bill to alter the route of the Havre branch railroad,” and a “Bill relative to proceedings in chancery,” which the Senate have severally passed.

Also, to return, with the concurrence of the Senate, the “Memorial and joint resolutions in relation to the construction of the Sault de Ste Marie canal.”

And also, to return the “Bill to authorize the building of a certain dam therein named,” which the Senate have passed with an amendment, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,
Secretary of the Senate.

And the “Bill to alter the route of the Havre branch railroad, and for other purposes,” was twice read and referred to the committee on internal improvement.

The “Bill relative to proceedings in chancery,” was twice read, and referred to the committee on the judiciary.

The amendments made by the Senate, to the “Bill to authorize the building of a certain dam therein named,” being under consideration,

On motion of Mr. Bell, the House concurred in the same.

Mr. Bell offered the following resolution:

Resolved, That the Governor of this state be, and he is hereby requested to cause to be transmitted to the Governors of the several states in the Union, printed copies of his special message made to this Legislature respecting certain resolutions of the legislature of Vermont, relative to the public lands; with the request that they present the same to their respective legislatures.

Which, on motion of Mr. Harbangh, was laid upon the table.

On motion of Mr. Harbaugh,

The House took up from the table, the "Joint resolution, authorizing the Auditor General to settle with the State Printer for printing and binding the laws."

The same being under consideration,

Mr. Bell moved to amend the resolution, by striking out the words, "will cover the expense of," and insert in lieu thereof, the words "as is allowed by law, for;" which amendment was adopted, and the resolution passed.

On motion of Mr. Hammond,

Resolved, That bills number ninety-three and one hundred and seven, of the House, be referred to a special committee of three.

The Chair announced as such committee, Messrs. Hammond, Fuller and Hart.

Mr. Backus gave notice, that at some future day, he would ask leave to bring in a bill for the relief of Martin Kundig.

On motion of Mr. Harbaugh,

The House took up from the table, Senate bill number fifty-eight, "in relation to the Michigan state bank."

The question being upon receding from the amendment made by the House to said bill, the House refused to recede, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Axford, | Mr. Howard, | Mr. Sanborn, |
| Mr. Bird, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Hart, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Harbaugh, | | |

10

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Foote, | Mr. Miller, |
| Mr. Barbour, | Mr. Forbes, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Fuller, | Mr. Newton, |
| Mr. Bush, | Mr. Hammond, | Mr. Pierce, |
| Mr. Button, | Mr. Johnson, | Mr. Renwick, |
| Mr. Carr, | Mr. Larue, | Mr. Sprague, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |
| Mr. Coleman, | | |

28

Mr. Bell moved that a committee of conference be appoint-

ed, and that the Senate be requested to appoint a similar committee, to confer on said bill; which motion prevailed.

The Chair announced as such committee, Messrs. Bell, Harbaugh and Fuller.

On motion of Mr. Miller,

The House took up for consideration, the "Preamble and joint resolution, laid upon the table on the 27th of February last, authorizing the Auditor General to credit Kalamazoo county with certain taxes;" and the same being under consideration,

Mr. Barbour offered a substitute therefor, which was adopted.

The "Bill to authorize the board of commissioners of internal improvement to loan to the Palmyra and Jacksonburg railroad company a certain amount of railroad iron," was taken up for a third reading.

Mr. Sprague moved to amend said bill, by striking out all after the enacting clause.

On motion of Mr. Renwick,

A division of the question was ordered, and the House refused to strike out, by the following vote:

YEAS.

| | | | |
|--------------|-----------------|--------------|----|
| Mr. Barbour, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, | |
| Mr. Foote, | Mr. Miller, | Mr. Walker, | |
| Mr. Fuller, | Mr. McReynolds, | Mr. Speaker, | |
| Mr. Howard, | Mr. Pierce, | | 14 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Bell, | Mr. Hammond, | Mr. Newton, | |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, | |
| Mr. Bush, | Mr. Harbaugh, | Mr. Spencer, | |
| Mr. Carr, | Mr. Larue, | Mr. Steele, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Cook, | Mr. Lathrop, | Mr. Tucker, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Turner, | |
| Mr. Dunham, | Mr. McDonald, | Mr. Williams, | |
| Mr. Forbes, | Mr. Mulhollan, | | 28 |

Mr. Sanborn moved to re-commit the bill to the committee on internal improvement; which motion did not prevail.

Mr. Bush moved to further amend said bill by inserting in the eighth line of section second, after the word "security,"

the following: "upon unincumbered real estate;" which amendment was adopted.

Mr. Bell moved to amend the first section, in the thirteenth line by adding the following: "and conditioned further, that if the said commissioners shall determine at any time hereafter that said iron is not wanted for the public works of the state, or prefer that the same should not be returned to the state, then the said company shall, upon being notified of the fact by the said commissioners, pay to the Treasurer of the state the full amount of cost and charges for said iron, together with eight per cent interest on the same;" which amendment prevailed.

Mr. Sanborn moved to further amend said bill; pending which,

On motion of Mr. Hammond,

The bill was re-committed to the committee of the whole, and

On motion of Mr. Hammond,

The House went into committee of the whole on said bill; Mr. Hammond in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House with sundry amendments, which were all concurred in, except in that, striking out all after the enacting clause; which was negatived, by the following vote:

YEAS.

Mr. Barbour,
Mr. Bush,
Mr. Button,
Mr. Castle,
Mr. Cathcart,
Mr. Foote,
Mr. Forbes,

Mr. Fuller,
Mr. Howard,
Mr. Ingalls,
Mr. Johnson,
Mr. Miller,
Mr. Mulhollan,
Mr. McReynolds,

Mr. Pierce,
Mr. Sanborn,
Mr. Sprague,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

20

NAYS.

Mr. Backus,
Mr. Bell,
Mr. Bird,
Mr. Carr,
Mr. Champlin,
Mr. Coleman,

Mr. Hammond,
Mr. Harbaugh,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,
Mr. McClelland,

Mr. Newton,
Mr. Renwick,
Mr. Spencer,
Mr. Steele,
Mr. Stockton,
Mr. Tucker,

| | | | |
|--------------------|----------------------|--------------------|-----------|
| Mr. Dunham, | Mr. McDonald, | Mr. Turner, | |
| Mr. Hart, | | | 22 |

The bill was then ordered engrossed for a third reading, by yeas and nays, as follows:

YEAS.

| | | | |
|----------------------|------------------------|----------------------|-----------|
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Bell, | Mr. Larue, | Mr. Renwick, | |
| Mr. Bird, | Mr. LeBaron, | Mr. Spencer, | |
| Mr. Carr, | Mr. Lathrop, | Mr. Steele, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Stockton, | |
| Mr. Dunham, | Mr. McDonald, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Mulhollan, | Mr. Turner, | |
| Mr. Hart, | | | 22 |

NAYS.

| | | | |
|----------------------|------------------------|----------------------|-----------|
| Mr. Barbour, | Mr. Forbes, | Mr. Pierce, | |
| Mr. Bush, | Mr. Fuller, | Mr. Sanborn, | |
| Mr. Button, | Mr. Howard, | Mr. Sprague, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Walker, | |
| Mr. Cathcart, | Mr. Johnson, | Mr. Williams, | |
| Mr. Coleman, | Mr. Miller, | Mr. Speaker, | |
| Mr. Foote, | Mr. McReynolds, | | 20 |

On motion of Mr. Barbour,

The House took up for consideration the "Bill to organize certain townships, and for other purposes;" and the same was ordered engrossed for a third reading.

On motion of Mr. Larue,

The committee of the whole were discharged from the further consideration of the bill "to provide for the laying out and establishing certain state roads," and

On his motion, the same was taken up by the House for consideration.

Mr. Larue offered the following additional section, to stand as section four, which was adopted:

"That the second section of the act entitled 'An act appointing commissioners to lay out and establish certain state roads, and for other purposes,' approved February 28, 1838, and the eighteenth section of an act entitled 'An act to provide for the laying out and establishing certain state roads,' approved April 18, 1839, and also, the provisions of this act be, and they are hereby continued in force for two years from and after the eighteenth day of April 1840."

Mr. Hammond moved to further amend said bill by adding the following sections to stand as sections five and six, which were also adopted:

"Sec. 5. That George Fitzsimmons, Baron B. Willet and Ralph Bailey be, and they are hereby authorized to lay out and establish a state road from the village of Hillsdale, in the county of Hillsdale, westerly, on the most eligible route to pass between the south bend of Hog lake and the Cranberry marsh, so called, thence to intersect the state road from Coldwater to the Indiana line at such point as shall be deemed most expedient."

"Sec. 6. That the highway commissioners of the town of Dexter be, and they are hereby authorized to alter the state road running from Monroe to Grand river, in the township aforesaid, on section thirty, town one south, range four east, as the public good may require, and record said alteration in the office of the township clerk."

On motion, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The roll being called, the same members were present as in the morning.

On motion of Mr. Barbour,

The House resolved itself into committee of the whole, on House bill one hundred and nine, "to provide for certain claims therein named;" Mr. Champlin in the chair.

After spending some time thereon, the committee rose and reported progress, asked and obtained leave to sit again.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled, "An act to authorize the building of a certain dam therein named."

Also, a "Joint resolution relative to the university of Michigan."

The Chair announced the following message from the Executive:

To the House of Representatives :

I have this day approved, signed and deposited in the office

of the Secretary of State, an act entitled "An act to organize certain townships."

Also, an act entitled "An act to authorize Joseph H. Kilborn to erect a dam across the Red Cedar river."

Also, an act entitled "An act to authorize the building a dam across the Shiawassee river."

Also, an act entitled "An act authorizing the erection of a dam across the Flint river."

WILLIAM WOODBRIDGE.

Executive Office, March 20, 1840.

Mr. Backus, from the committee on conference appointed on the part of the House to confer with a like committee on the part of the Senate, in relation to the disagreement on the bill "to abolish the office of bank commissioners, and for other purposes," reported that the committee had agreed to certain amendments made thereto; which report was laid upon the table.

Mr. Lathrop, on leave, and pursuant to previous notice, introduced a bill entitled "A bill restricting the powers of sheriffs, and for other purposes;" which was twice read and referred to the committee on banks and incorporations.

On motion of Mr. Tucker,

Resolved, That a select committee of three be appointed, to report to this House upon the expediency of completing that part of the Clinton and Kalamazoo canal, which has already been contracted, and is now partially constructed, and also the propriety and expediency of connecting said canal with Lake St. Clair, so as to render the same available and productive to the state when completed, and that said committee report by bill or otherwise.

The Chair announced as such committee, Messrs. Tucker, Stockton and Bell.

On motion of Mr. Bell, the House adjourned.

Saturday, March 21, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent without leave, Messrs. Axford, Johnson, Moran and Underwood.

REPORTS.

Mr. Howard, from the committee on internal improvement, to whom was referred Senate bill number seventy, "to alter the route of the Havre branch railroad, and for other purposes," reported the same back to the House with an amendment, which was referred to the committee of the whole and placed upon the general order.

Mr. Harbaugh, from the committee on banks and incorporations, to whom was referred a "Bill restricting the powers of sheriffs, and for other purposes."

Also, a "Bill to incorporate the stockholders of the Agricultural bank of Michigan," reported the same back to the House without amendment, which were severally referred to the committee of the whole and placed upon the general order.

Mr. Bell, from the minority of the select committee, to whom was referred the special message of the Governor, together with the documents and joint resolutions from the state of New Jersey, submitted the following preamble and joint resolutions:

Whereas, by the constitution of the United States the several states are empowered to prescribe and regulate the time, places and manner of holding elections for senators and representatives in the Congress of the United States; and the same instrument further provides that the Representatives from the several states, who compose the popular branch of the Congress, shall be elected by the people of those states;

And whereas, by a legislative enactment, in conformity to the powers above enumerated and confirmed by the constitution, the state of New Jersey did prescribe the time, places, and manner of holding elections for Representatives in Congress from that state;

And whereas, the people of the said state did, in obedience to

the requirements of said enactment, elect by a majority of all the lawful votes of said state, Peter D. Vroom, William R. Cooper, Philemon Dickerson, Daniel B. Ryall, Joseph Kille, and Joseph F. Randolph, to represent them in the twenty sixth Congress of the United States;

And whereas, by the said enactment it is made the duty of the Governor and privy council of the said state of New Jersey to cast up the whole number of votes from the several counties for each candidate for representatives in Congress, and thereby determine the six persons who have the greatest number of votes from the whole state therefor; and more effectually to protect each and every township and county in said state from unlawful disfranchisement, by the neglect or fraud on the part of the returning officers of such town or county, the same enactment further requires the Governor, in all cases where certified list of the polls of said elections in any of said townships or counties, shall not have been returned by the same within a specified time, and before the Governor and privy council shall proceed to determine the result of said election, forthwith to cause an express to be sent for and procure the same at the expense of the state;

And whereas, the certified lists of the votes polled in the said state at the late election therein for representatives in Congress, received by the Governor and Privy Council, were not all true and correct lists; inasmuch as those from the counties of Cumberland and Middlesex were not full and complete, nor did they purport to be so; but in which the statements of the number of votes polled and given in two townships within said counties were omitted; thereby excluding six hundred and forty-six votes regularly polled in said townships;

And whereas, notwithstanding it was the imperative duty of the Governor of said state, under the requirements of its law, to cause to be procured from the aforesaid townships, failing to make returns therefrom, certified copies of the poll lists or statements of the number of votes given at said election therein, before he and the privy council could determine according to law the true result of said election; and notwithstanding

also, that certificate copies of the poll lists and statements of all the votes polled at said election in said townships in default, duly and legally authenticated, were procured and presented to the said Governor and privy council; yet nevertheless, the said Governor and council did, in utter contempt, disregard, and in gross violation of a positive law of said state, refuse to receive the certified lists from said townships; but did reject the same, and then determined that it appeared to them that John B. Aycrigg, William Halstead, John P. B. Maxwell, Joseph F. Randolph, Charles C. Stratton and Thomas Jones Yorke were duly elected by the people of New Jersey, representatives from the said state in the Congress of the United States;

And whereas, it appears by a certificate of the secretary of state, of said state of New Jersey, subscribed by him officially, and duly authenticated by his seal of office thereunto attached, which, after declaring therein the whole number of votes polled in said state for all the candidates for representatives aforesaid, evident and manifest that the above mentioned persons, who were by the governor and privy council declared to be elected, did not receive a majority of the votes given for representatives aforesaid, and were consequently not elected as such, as the following extract from said certificate will show, viz: "It appears that at said election, Peter D. Vroom, William R. Cooper, Philemon Dickerson, Daniel B. Ryall, Joseph Kille and Joseph F. Randolph, received a majority of the whole number of votes given in the said state of New Jersey for representatives of the said state, in the House of Representatives of the twenty-sixth congress of the United States," and notwithstanding this official declaration of the said secretary of state, and the doubts entertained by the said governor himself, who, at the time of determining with the privy council, the result of said election, stated "that if through inadvertence or by design, any votes have not been returned by the clerks, it is in the power of the House of Representatives (of Congress,) in their discretion, to allow those votes, and give the seat to the person, who, with those votes, may be elected;"

and further, that "it is his earnest wish, that before that proper and constitutional tribunal for deciding the matter, each candidate may have the full benefit of every legal vote he may have received at the election," the said governor, nevertheless, did not perform the duty required of him by law, but in direction of the same, refused to commission or grant certificates of election to the representatives positively and lawfully elected by the majority of the electors of said state, but contrary to the true result of said election, and against the expressed will of the freemen of said state, as manifested at the ballot boxes, did give and grant commissions of election to five of the other opposing candidates, who were in the minority of the suffrages of the people;

And whereas, notwithstanding the wrongful and unjust granting of said commissions, although stamped with the "broad seal" of said state, five of the legally elected, but unlawfully disfranchised representatives of said state, with their commissions derived directly from the people, and the same solemnly authenticated with the broader seal of their approbation, with the firm determination to maintain the purity of elections, and the constitutional rights of themselves and of the people; and in obedience to their will, did appear in the House of Representatives of the Congress of the United States at the proper time, and presenting the evidence of their election and return in legal and proper form, claim their seats in said House, but were prevented from taking the same by the acts of five of the persons claiming and contesting the same, by virtue of the said commission, given and granted them by the governor as aforesaid, contrary to law, and in manifest violation of the rights of the people of said state;

And whereas, the House of Representatives in Congress, in the exercise of their proper constitutional right and privilege "to judge of the elections, returns and qualifications of its members," did proceed through their standing committee on elections, to investigate, judge and determine which of the persons claiming and contesting their seats in said House, were duly elected and entitled to the same therein; and after the

most patient, laborious and impartial investigation, and upon the same evidence which was presented before the said governor and privy council, the said committee did formally report to the said House "that it appears *prima facie* upon the evidence in the possession of the committee, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, Philemon Dickerson and Joseph Kille, are the five of the ten individuals claiming seats from the state of New Jersey, who received the greatest number of lawful votes from the whole state for representatives in the Congress of the United States, at the election of 1839, in said state;

And whereas, the said House of Representatives did, upon the presentation of said report from said committee, accept, adopt and confirm the same, by admitting to their seats the said five individuals, who were by the arbitrary and unlawful acts of the Governor of New Jersey in danger of being excluded from the same, but who were duly and legally elected by the people of said state, by a large majority of the votes of the Representatives in said House; thereby triumphantly vindicating the just rights of the people, and rigidly rebuking the arbitrary encroachment thereon, even though the same is attempted by men in "high places;" therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the act of the Governor of New Jersey, in granting commissions of election to five of the persons therein named, is a flagrant outrage upon the constitutional rights and privileges of the people of said state; is a positive violation of its legislative enactments, and which has had the effect of depriving for a time, the said state of the greater part of its constitutional representation in the popular branch of the national legislature.

And be it further resolved, That this Legislature, for and in behalf of the state of Michigan, and as a sister state, do therefore most solemnly protest against said act as an arbitrary assumption of power, as unconstitutional, unlawful, and an invasion of the rights and franchises of the people of said state of

New Jersey, and destructive of the fundamental principles of her institutions.

On motion of Mr. Harbaugh,

The preamble and joint resolutions were laid upon the table and ordered printed.

(*See House Document No. 65.*)

Mr. McClelland, from the judiciary committee, to whom was referred Senate bill "to amend chapter five, title four, part third of the revised statutes, 'relating to proceedings in replevin,'" reported the same back to the House, with sundry amendments, and recommended its passage; which was referred to the committee of the whole, and placed upon the general order.

Mr. Spencer, from the committee on university and school lands, to whom was referred the "resolutions of the county commissioners of the county of Washtenaw, requesting an alteration of the law in regard to the payment of interest on loans made by the Superintendent of Public Instruction to counties," reported adverse to the alteration of the law in regard to the same; and the committee were discharged from the further consideration of the subject.

Mr. Renwick, from the committee on ways and means, reported a bill entitled "A bill to provide for releasing to the counties of Michilimacinac and Chippewa, their proportion of state tax, for the years 1840 and 1841," which was twice read, referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the judiciary committee, to whom was referred Senate bill number sixty-eight, "relative to proceedings in chancery," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the same committee, reported a bill entitled a "Bill concerning bail," which was twice read, referred to the committee of the whole and placed upon the general order.

Also, pursuant to previous notice, asked and obtained leave

to bring in a "Bill for the relief of Martin Kundig;" which was twice read and referred to the committee on ways and means.

Mr. Howard, from the committee of conference on the disagreement on the Senate bill "to provide for the foreclosing of mortgages by advertisement," made a report thereon; which, on motion, was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Friday, March 30, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit a "Bill relative to common schools, and for the payment of the claim of Thomas Beals," and other purposes.

And also, a "Joint resolution relative to furnishing, for the congressional library, reports of the geology and mineralogy of the state," &c., both of which the Senate have passed, and respectfully ask the concurrence of the House of Representatives.

Also, to return the "Bill relative to quit claiming the interest of the state in a certain lot in the city of Detroit, to Emily Allan and Margaret Goodall," which the Senate have passed with amendments, and ask the concurrence therein of the House of Representatives.

And I am also instructed to inform you, respectfully, that the House substitute for Senate bill, "relative to amending 'An act to provide for the voluntary dissolution of corporations,'" &c., was this day lost in the Senate.

Also, to inform you that the Senate have adopted the report of the committee of conference on the "Bill to abolish the office of bank commissioners," and passed the bill the committee reported.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill relative to common schools, and for the payment of the claims of Thomas Beals, and for other purposes," was twice read and referred to the committee on education.

The preamble and "Joint resolution relative to geology and mineralogy of the state," &c., was twice read and referred to the committee on university and school lands.

And the House concurred in the amendments made by the Senate to the "Bill quit claiming the interest of the state in a certain lot of land in the city of Detroit, to Emily Allan and Margaret Goodall," and passed the same as amended.

The "Bill to abolish the office of bank commissioners," being under consideration, the report of the committee of conference on said bill, was adopted by yeas and nays as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Backus, | Mr. Gregory, | Mr. Newton, | |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, | |
| Mr. Bird, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Button, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Larue, | Mr. Spencer, | |
| Mr. Castle, | Mr. LeBaron, | Mr. Sprague, | |
| Mr. Champlin, | Mr. Lathrop, | Mr. Stockton, | |
| Mr. Foote, | Mr. McDonald, | Mr. Tucker, | |
| Mr. Forbes, | Mr. Miller, | Mr. Speaker, | |
| Mr. Fuller, | Mr. McReynolds, | | 29 |

NAYS.

| | | | |
|---------------|-----------------|----------------|---|
| Mr. Bell, | Mr. Dunham, | Mr. Mulhollan, | |
| Mr. Cathcart, | Mr. Hammond, | Mr. Turner, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Williams, | 9 |

And the bill as amended, was passed.

On motion of Mr. Bell,

Resolved, That a committee of five be appointed, with instructions to bring in a bill to prescribe and regulate the supply of books, stationery, and other articles necessary and proper, for the use of the several courts, offices and departments of this state, which may be a charge to the state.

The Chair announced as such committee, Messrs. Bell, Renwick, Bush, Howard and Sprague.

Mr. Stockton laid upon the table the following joint resolution:

Resolved, by the Senate and House of Representatives, That the board of internal improvement be instructed to erect in the city of Detroit, or its vicinity, a depot and car house to protect the cars from the weather when not in use.

Mr. Spencer offered the following resolution:

Resolved, That the Governor of this state be, and he is hereby authorized and requested to procure printed and distributed equally among the members of this Legislature, one hundred and sixty copies of the report that may be made to him by the select committee appointed by this House to investigate the affairs of the board of commissioners of internal improvement, as soon as practicable after the same may be made.

Mr. Hammond moved to lay the resolution upon the table, which did not prevail.

The question recurring upon the adoption of the resolution,

Mr. Bush moved to amend the resolution by inserting after the word "report," the words following, "both of the majority and minority, if two reports be made."

Mr. Hammond moved to amend the same by striking out "one hundred and sixty copies," and inserting in lieu thereof, "in the newspaper in which the laws of the state are published," which was lost.

The question recurring upon the amendment offered by Mr. Bush,

Mr. Barbour moved to amend the amendment by inserting "three hundred," in lieu of "one hundred and sixty," which was adopted.

The question recurring upon Mr. Bush's motion, he withdrew the same.

Mr. Hammond moved to further amend said resolution so that one half be distributed to the members of this and one half to the next legislature; pending which,

On motion of Mr. Tucker, the whole subject was ordered to lie upon the table.

On motion of Mr. McReynolds,

The House took up the motion to print the majority and minority reports of the committee of the Senate, relative to a modification of the five million loan.

And the question being upon the amendment to print three hundred extra copies of said reports, the same was adopted, and the motion, as amended, then prevailed.

On motion of Mr. Lathrop,

The House took up from the table the "Joint resolution authorizing the Auditor General to audit and settle claims of persons against the state, for labor and materials in the construction of the state prison;" and the same was read the third time and passed.

The House then took up for a third reading, the "Bill to provide for the laying out and establishing certain state roads," which was read the third time, and

On motion of Mr. Bell, the same was laid upon the table.

The House then took up for a third reading, the "Bill to abolish the office of county commissioners and to substitute therefor a board of supervisors."

Several amendments being offered to said bill, the Chair decided it to be incompetent to amend bills upon their third reading, unless by general consent.

Mr. McReynolds appealed from the decision of the Chair.

The question being put, "shall the decision of the Chair stand as the judgment of the House?" the same was decided in the affirmative.

Mr. Hammond moved to commit the bill to a select committee of three, with instructions to report a provision authorizing the supervisors elected on the first Monday of March, instant, in the city of Detroit, to act as supervisors of the township of Detroit, and to report the same this afternoon.

Mr. Champlin moved the following as a substitute for Mr. Hammond's motion:

That the bill be committed to a select committee of three, with instructions to incorporate a provision, so that a supervisor be elected in the city of Detroit, and that they be required to report the same back to the House this afternoon, and that it be made the special order for this afternoon."

The Chair decided that the question before the House was upon the substitute offered by Mr. Champlin.

Mr. McReynolds claimed that he was in possession of the floor at the time the Speaker entertained Mr. Champlin's motion, and appealed from the decision of the Chair.

And the question being, shall the decision of the Chair stand as the judgment of the House, the same was decided in the affirmative, as follows:

YEAS:

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, |
| Mr. Backus, | Mr. Gregory, | Mr. Moran, |
| Mr. Barbour, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Button, | Mr. Howard, | Mr. Renwick, |
| Mr. Carr, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, |
| Mr. Champlin, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Turner, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Dunham, | Mr. McClelland, | Mr. Walker, |
| Mr. Foote, | Mr. McDonald, | Mr. Williams, |
| Mr. Forbes, | | |

40

NAYS.

Mr. Bush,

1

The question then being upon Mr. Champlin's substitute, the same did not prevail.

The question then recurring upon Mr. Hammond's motion, he withdrew the same.

The bill was then passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|---------------|
| Mr. Bell, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bird, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bush, | Mr. Hart, | Mr. Spencer, |
| Mr. Button, | Mr. Howard, | Mr. Sprague, |
| Mr. Carr, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Castle, | Mr. Johnson, | Mr. Tucker, |
| Mr. Champlin, | Mr. Larue, | Mr. Walker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Williams, |
| Mr. Coleman, | Mr. McDonald, | Mr. Speaker, |
| Mr. Foote, | | |

23

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Lathrop, | Mr. Newton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Turner, |
| Mr. Dunham, | Mr. Miller, | Mr. Underwood, |
| Mr. Fuller, | Mr. Moran, | |

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The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER, }
Friday, March 20, 1840. }

To the Speaker of the House of Representatives:

SIR—I transmit herewith, by direction of the Senate, a “Bill to authorize the presiding judge of the circuit court of Wayne county to sign a certain record,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

I am instructed also, to inform you that the Senate have, in pursuance with the request of the House of Representatives, appointed a committee of conference on their part, consisting of Messrs. Gidley, Summers and Edmunds, on the “Bill in relation to the Michigan state bank.”

D. W. KELLOGG,

Secretary of the Senate.

And the “Bill to authorize the presiding judge of the circuit court of Wayne county to sign a certain record,” was twice read, and referred to the committee on the judiciary.

On motion of Mr. Hammond,

The committee of the whole were discharged from the consideration of the “Bill to exempt grain while growing, and other unharvested crops from sale under execution;” and on his motion, the House took up the same for consideration.

Mr. Hammond moved to amend the bill, by striking out all after the enacting clause of the first section of said bill, and offered a substitute therefor; which was adopted.

Mr. Bush moved to further amend said bill, by inserting after the word “execution,” “unless turned out by the debtor;” which motion did not prevail.

Mr. Walker offered the following to stand as section two:

“Sec. 2. Each regularly licensed, practical physician and surgeon, shall hold one horse exempt from levy or sale on execution.”

Mr. Foote moved to amend the amendment, by adding the following: “and also the horse of all botanic physicians;” which amendment was not adopted.

The question recurring upon Mr. Walker's amendment,

Mr. Miller moved to amend the same, by adding the following: "that five milch cows, the property of one owner, two horses, the property of one owner, two ploughs and two yoke of oxen, the property of one owner, be exempted from execution."

Mr. Bell moved to lay the bill and amendments upon the table; which motion was lost.

Mr. Tucker moved to adjourn. Lost.

The question recurring upon Mr. Miller's amendment, it did not prevail.

The question again recurring upon Mr. Walker's amendment,

Mr. Miller moved to adjourn. Lost.

The question again recurring upon Mr. Walker's motion,

Mr. McDonald moved to strike out all after the enacting clause; which motion was also lost.

The question again recurring upon Mr. Walker's motion, it did not prevail.

Mr. McClelland moved to amend said bill, by adding the following as an additional section:

"Sec. That hereafter no personal property shall be sold by virtue of an execution issued from any of the courts of this state, until the same shall have been appraised by three disinterested men, to be selected and sworn by the officer having the execution, to appraise the value of the property levied on, and that the property so appraised, shall not be sold for less than one-half its appraised value."

Mr. Backus moved to amend the amendment, so that it shall apply only to debts hereafter contracted; pending which,

On motion of Mr. Harbaugh, the bill was committed to the committee on the judiciary.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act for the regulation of internal improvement."

On motion, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment, and on calling the roll, the same members were present as in the morning.

On motion of Mr. Pierce,

The House resolved itself into committee of the whole on the "Bill establishing primary schools;" Mr. Bell in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments; which were concurred in.

The bill then being under consideration, Mr. Backus moved to amend section fifty-three, by adding the following proviso: "Provided, The expense of such publication to be paid out of the common school fund;" which was not adopted.

Mr. Bush moved to amend section thirteen, in line ten, by striking out the word "five," and inserting in lieu thereof, the word "three;" which motion prevailed.

Mr. Bush moved to further amend said bill in section thirteen, in ninth line, by striking out the word "twelve," and inserting in lieu thereof, "nine."

A division of the question being ordered, the motion to strike out prevailed.

The question recurring upon filling the blank with nine, the same prevailed.

Mr. Steele moved to amend said bill in section seventeen, in sixth line, by inserting after the word "roll," the following: "And also, all property, both personal and real, of said district which may have been omitted to be assessed by the township assessors;" which amendment was adopted.

Mr. Gregory moved to amend section seventeen, in the sixth line, after the word "by," by inserting "residents and;" which was also adopted, and the bill was then ordered engrossed for a third reading.

On motion of Mr. Hammond, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Bell,

The House took up Senate bill number fifty-two, "to lay off

and define the boundaries of certain counties, and on his motion, the said bill was referred to the committee of the whole; and on his motion, the House resolved itself again into committee of the whole on said bill; Mr. Ashman in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House with sundry amendments; which were concurred in.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Bell;

The rule was suspended, the bill read the third time and passed.

On motion of Mr. McClelland,

The committee of the whole were discharged from the consideration of Senate bill number seventy, "to alter the route of the Havre branch railroad, and for other purposes," and on his motion the House took up the same.

The amendment reported by the committee on internal improvement being under consideration,

Mr. McClelland moved to strike out all that portion of the amendment "requiring the consent of the company;" which motion prevailed.

The question recurring upon the adoption of the amendment as amended, the same prevailed.

Mr. Spencer moved to lay the bill upon the table; which motion did not prevail.

Mr. Ingalls moved to further amend said bill by striking out all after the enacting clause, which was decided in the negative, and the bill was then ordered to a third reading.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State,

An act entitled "An act to amend chapter four, title third, part third of the revised statutes, entitled 'of forcible entry and detainer.'"

Also, an act entitled "An act to authorize the anticipation of certain instalments of the five million loan."

Also, an act entitled "An act relative to highway taxes."

WILLIAM WOODBRIDGE.

Executive Office, March 20, 1840.

The Chair announced the following special message from the Executive, accompanied by the bill "to authorize the guardians of Ursula and Dorothy Cauchois, to convey certain real estate," which he returned without his signature:

To the House of Representatives:

GENTLEMEN—I herewith return, for the further consideration of the Legislature, the bill entitled "An act to authorize the guardians of Ursula and Dorothy Cauchois, to convey certain real estate."

It has not been without much doubt, as to what course duty prescribed to me, that I have been able to form any opinion, satisfactory to myself, in this matter. My safest course I have thought was to submit the subject again to your review.

When the statute, commonly called the "statute of frauds," was first introduced into the English code, very serious doubts were entertained as to its proper operation in some particulars. In terms, it comprehended, as well contracts then existing, as those thereafter to be entered into. Although the legal omnipotency of parliament was not then brought into question by the judges, yet, with that cautious wisdom which is in general characteristic of the common law, they put such construction upon the act, restraining the generality of the terms used, as to limit its operation to contracts thereafter to be entered into. This was the course which natural justice indicated. Retrospective laws, so far as they act upon individuals alone, are generally unjust, and always dangerous; and there have not been found wanting, even among the great and learned men who have constituted the supreme court of the United States, those who have believed that the inhibition contained in our constitutions against passing *ex post facto* laws, was meant to apply as well to civil cases as to crimes.

The bill under consideration manifestly supposes that there

existed no such contract between the decedent, (Agatha Canchois,) and the person named, as could be enforced, as had valid force in the law; for if it had valid force, its performance could still be enforced by the judiciary, and this bill would, therefore, have been unnecessary and useless. This bill nevertheless, sets up a supposed agreement, (inoperative because, being by parole, the law considers it as no contract,) and with certain very judicious and well prepared guards, authorizes its future enforcement. By that enforcement, certain real estate, now the property of infant children is subject to be taken from them.

Viewing the matter in this light, it seems to me that the bill is obnoxious to several objections.

In the first place, I would respectfully suggest, that I have seen so much evil at different times, result from a practice of legislating for the exclusive benefit of particular persons,—or to meet the exigencies of a particular case,—that except where the state may be a party in interest, I hold it to be the most dangerous character always.

To prescribe general rules of future action applicable to all our citizens alike, seems to me to constitute the only safe and legitimate scope of action for the legislative power in all except in cases particularly effecting the fiscal or other operations of the state, unless in some extraordinary combination of circumstances. The case supposed in the bill under consideration does not seem to me to present those circumstances.

Secondly. The retro-active operation of this bill, by making that valid which the bill itself supposes to be ineffective and void, effects a change of the vested rights of infant children, incapable of protecting their own rights; it is, therefore, most certainly dangerous, if it were even free from constitutional objections.

It is true, that by the bill, effect is not intended to be given to its provisions, unless a judge of probate shall think that it would be for the benefit of the infant, that such void contract be enforced, and it is this cautious guard, that principally has led me to hesitate in my own course in this matter.

But if there be a defect in the general law of the land, applicable so all in like circumstances, I would respectfully submit, that it would accord better with safety and true policy, to alter the general law, and under proper restrictions, to authorize guardians of minors, by the direction, and under the control of the proper courts of probate, to enter into and execute such contracts as are here sought to be enforced.

The most objectionable features of the present bill would be thus avoided.

WILLIAM WOODBRIDGE.

Executive Office, March 20, 1840.

Mr. McClelland moved a re-consideration of the vote on the passage of said bill, and on his motion, the motion to re-consider was ordered to lie upon the table.

On motion of Mr. Castle,

The committee of the whole were discharged from the consideration of House bill number one hundred and ten "relative to the Northern railroad," and on his motion the House took up the same for consideration.

The question being upon ordering said bill to a third reading,

On motion of Mr. Renwick, the same was laid upon the table.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled "An act to regulate the terms of the supreme and circuit courts, and for other purposes."

On motion of Mr. Bush, the House adjourned.

Monday, March 23, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent without leave, Messrs. Axford, Bush, Forbes and Kenny.

LEAVE OF ABSENCE.

Mr. McDonald asked and obtained leave of absence for Mr. Axford, for an indefinite period.

Mr. Bird for Mr. Forbes, for one day.

PETITIONS.

Mr. Howard presented the claim of S. L. Rood, for stitching and binding documents, &c., for the Senate and House of Representatives.

Also, for stationery furnished the Auditor General's office, &c., which were severally referred to the committee on claims.

Mr. Howard also presented the account of S. L. Rood, for stationery furnished the House of Representatives; which was referred to the committee on expenditures.

REPORTS.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act to amend 'An act to provide for the government and discipline of the state prison.'"

Mr. Renwick, from the committee on ways and means, to whom was referred a "Joint resolution relative to making a statement of receipts and expenditures of the public moneys," &c., submitted a report thereon, which was ordered to lie upon the table; and the resolution was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the judiciary committee, to whom was referred Senate bill "to authorize the presiding judge of the circuit court of Wayne county to sign a certain record;"

Also, House bill "to exempt grain while growing, and other unharvested crops, from sale under execution," reported the same back to the House, the former without amendment, and the latter with an amendment, and the same were severally referred to the committee of the whole, and placed upon the general order.

Mr. Tucker, from the select committee appointed to report to this House upon the expediency of completing that part of the Clinton and Kalamazoo canal which has already been contracted, and is now partially constructed; and also, the propriety and expediency of connecting said canal with Lake St. Clair, so as to render the same available and productive to the state when completed, submitted a report thereon, accompanied with the following joint resolutions:

Resolved, by the Senate and House of Representatives of the

State of Michigan. That the board of commissioners of internal improvement of this state be, and they are hereby directed to cause that part of the Clinton and Kalamazoo canal which lies east of the west line of section sixteen of said canal, extending from the village of Rochester, in the county of Oakland, to Mt. Clemens, in the county of Macomb, to be completed and put into operation as soon as practicable.

2. That said Clinton and Kalamazoo canal be, and the same is hereby declared to be located and continued so as to connect with Lake St. Clair at the mouth of the Clinton river, at Belvidere, and that said connection and continuation be formed by means of a towing path along the northerly bank of said Clinton river, and cutting across the bends of said river, so as to form a continued connection, according to the plan and survey of the same, reported by Erastus Hurd, under date of March 20, 1839, to Edwin H. Lathrop, president of the board of commissioners of internal improvement.

3. That said board of commissioners cause the construction of said connection and continuation of said canal, as above specified, to be commenced as early in the present season as practicable, so that the same may be completed by the time the above mentioned eastern part of said Clinton and Kalamazoo canal from Rochester to Mt. Clemens shall be finished.

4. That for the purpose of completing said canal to the west line of said section sixteen, and of constructing and completing the continuation thereof, so as to form a connection with the navigable waters of Lake St. Clair, at Belvidere, as above specified, said commissioners shall use such part of the unexpended balances of any appropriation heretofore made for the construction of said Clinton and Kalamazoo canal, as may be necessary for those purposes.

10 Which resolutions were referred to the committee of the whole and placed upon the general order, and the report was laid upon the table and ordered printed.

(See House Document, No. 66.)

Mr. Hammond, from the select committee of three, to whom

The House took up for a third reading, Senate bill number seventy, "to alter the route of the Havre branch railroad, and for other purposes;" which was then read a third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Pierce, |
| Mr. Backus, | Mr. Hart, | Mr. Renwick, |
| Mr. Barbour, | Mr. Larue, | Mr. Sprague, |
| Mr. Bell, | Mr. LeBaron, | Mr. Steele, |
| Mr. Bird, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Carr, | Mr. McClelland, | Mr. Tucker, |
| Mr. Castle, | Mr. McDonald, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Miller, | Mr. Walker, |
| Mr. Champlin, | Mr. Moran, | Mr. Williams, |
| Mr. Cook, | Mr. Newton, | Mr. Speaker, |
| Mr. Fuller, | | |

31

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Button, | Mr. Howard, | Mr. Sanborn, |
| Mr. Gregory, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Harbaugh, | Mr. Mulhollan, | |

6

The House then took up for a third reading, the bill "to organize certain townships, and for other purposes," which was read a third time and passed.

On motion of Mr. Lathrop,

The committee of the whole were discharged from the consideration of House bill number one hundred and twenty-four, "restricting the powers of sheriffs, and for other purposes;" and on his motion, the House took up the same for consideration.

The question being upon ordering the bill to a third reading,

Mr. Gregory moved to amend said bill by striking out the word "April," in the first section, second line, and insert in lieu thereof the word "May;" which motion prevailed, and the bill ordered to a third reading.

On motion of Mr. LeBaron,

The rule was suspended, the bill read the third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|--------------|--------------|
| Mr. Ashman, | Mr. Hart, | Mr. Newton, |
| Mr. Bell, | Mr. Howard, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Renwick, |

| | | | |
|--------------|-----------------|--------------|----|
| Mr. Button, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Jarvis, | Mr. Spencer, | |
| Mr. Cook, | Mr. LeBaron, | Mr. Sprague, | |
| Mr. Foote, | Mr. Lathrop, | Mr. Steele, | |
| Mr. Fuller, | Mr. McDonald, | Mr. Turner, | |
| Mr. Gregory, | Mr. McReynolds, | Mr. Speaker, | 27 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Barbour, | Mr. Harbaugh, | Mr. Stockton, | |
| Mr. Castle, | Mr. Miller, | Mr. Tucker, | |
| Mr. Champlin, | Mr. Moran, | Mr. Walker, | |
| Mr. Coleman, | Mr. Mulholland, | Mr. Williams, | |
| Mr. Hammond, | | | 13 |

On motion of Mr. Hammond,

The House went into committee of the whole on House bill number one hundred and eleven, "to amend the revised statutes, and acts amendatory thereto, in reference to taverns and other licensed houses;" Mr. McReynolds in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in, and

On motion of Mr. LeBaron,

The said bill was referred to a select committee of three, consisting of Messrs. LeBaron, Hammond and Gregory.

On motion of Mr. Turner,

Resolved, That the chairman of the several committees of this House be directed to give notice to each member of the same, before any meeting of a committee shall be held.

On motion of Mr. Hammond, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment; and on calling the roll, there not being a quorum present,

On motion of Mr. Bell,

The sergeant-at-arms was directed to bring in the absentees, who soon after appeared and took their seats.

On motion of Mr. Barbour,

The House again went into committee of the whole on bill number one hundred and nine, "to provide for certain claims therein named;" Mr. Champlin in the chair.

turning said bill, which bill the Senate have (again) passed by a two-thirds vote, and respectfully ask the concurrence of the House of Representatives by a like vote.

And also to inform you, that the Senate have concurred in the amendment of the House, to the "Bill to alter the route of the Havre branch railroad, and for other purposes."

D. W. KELLOGG,

Secretary of the Senate.

And the "Joint resolution relative to charging over certain railroad iron," was twice read and referred to the committee on internal improvement.

The bill for the "relief of the administrators of the estate of N. Wells, deceased," being under consideration,

Mr. Harbaugh moved a re-consideration of the vote on the passage of said bill, and

On motion of Mr. Champlin, the motion to re-consider was ordered to lie upon the table.

On motion of Mr. Backus,

A committee of conference was appointed on the part of the House, consisting of Messrs. Backus, McClelland and Stockton, to confer with the committee appointed by the Senate, in relation to the disagreement between the two houses on the "Bill to provide for a settlement with the River Raisin and Lake Erie railroad company, and also the Detroit and Pontiac railroad company."

Mr. Renwick, from the committee to whom was referred a resolution directing an inquiry to be made of the Treasurer of the State, in regard to the non-payment of a certain warrant drawn by the Auditor General upon the State Treasurer, and in favor of the treasurer of the university, submitted a report thereon accompanied by a communication from the State Treasurer, which were read and ordered to lie upon the table.

On motion of Mr. Renwick,

Resolved, That a committee of seven be appointed for the purpose of examining into the necessity of adopting some plan for giving precedence to bills of a public character, during the remainder of the session, and that they report to the House the result of their deliberation.

The Chair announced as such committee, Messrs. Rowwick, McClelland, Harbaugh, Hammond, Stockton, Larue and Hart.

On motion of Mr. Stockton, the House adjourned.

Tuesday, March 24, 1840.

The House met pursuant to adjournment.

On calling the roll, there were absent without leave, Messrs. Hart, Howard, Larue, Mulhollan and Underwood.

REPORTS.

Mr. Spencer, from the committee on university and school lands, to whom was referred a certain preamble and joint resolution from the Senate, "authorizing the Governor to furnish from the state library certain documents relative to geology and mineralogy, for the use of the Congressional library, reported the same back to the House without amendment, and recommended the passage of the same; which was referred to the committee of the whole, and placed upon the general order.

On motion of Mr. Hammond,

The committee of the whole were discharged from the consideration of House bill number one hundred and twenty, "to exempt grain while growing, and other unharvested crops from sale under execution;" and on his motion, the House took up the same; and

The question being upon ordering said bill to a third reading, Mr. Gregory moved to amend said bill, by striking out all after the enacting clause; which was negatived, by the following vote:

YEAS.

| | | |
|--------------|---------------|--------------|
| Mr. Button, | Mr. McDonald, | Mr. Sanborn, |
| Mr. Fuller, | Mr. Miller, | Mr. Spencer, |
| Mr. Gregory, | Mr. Pierce, | Mr. Sprague, |

9

NAYS.

| | | |
|-------------|-------------|-----------------|
| Mr. Backus, | Mr. Dunham, | Mr. McClelland, |
| Mr. Bell, | Mr. Foote, | Mr. McReynolds, |

| | | |
|---------------|---------------|---------------|
| Mr. Bird, | Mr. Forbes, | Mr. Steele, |
| Mr. Carr, | Mr. Hammond, | Mr. Stockton, |
| Mr. Castle, | Mr. Harbaugh, | Mr. Turner, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Walker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Williams, |
| Mr. Cook, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Coleman, | | |

25

On motion of Mr. McClelland, the following was adopted as an additional section:

"Sec. 2. This act shall be and remain in force until the first day of February next, unless sooner repealed."

Mr. Button offered the following proviso to the first section of said bill:

"*Providing*, this act shall not be so construed as to effect former contracts."

Which was rejected by the following vote:

YEAS.

| | | |
|-------------|---------------|--------------|
| Mr. Bird, | Mr. Gregory, | Mr. Sanborn, |
| Mr. Button, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Castle, | Mr. McDonald, | Mr. Sprague, |
| Mr. Fuller, | | |

10

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Miller, |
| Mr. Backus, | Mr. Foote, | Mr. McReynolds, |
| Mr. Bell, | Mr. Forbes, | Mr. Pierce, |
| Mr. Carr, | Mr. Hammond, | Mr. Steele, |
| Mr. Cathcart, | Mr. Harbaugh, | Mr. Stockton, |
| Mr. Champlin, | Mr. Johnson, | Mr. Turner, |
| Mr. Cook, | Mr. LeBaron, | Mr. Williams, |
| Mr. Coleman, | Mr. McClelland, | Mr. Speaker, |

24

And the bill was then ordered to a third reading.

The House then took up from the table Senate bill number sixty-eight, "relative to proceedings in chancery." The bill was then ordered to a third reading.

On motion of Mr. Hammond,

The rule was suspended, the bill read the third time and passed.

The House then took up for consideration Senate bill number forty-three, "to amend an act entitled 'An act to abolish imprisonment for debt, and to punish fraudulent debtors,'" and said bill was ordered to a third reading.

On motion of Mr. LeBaron,

The rule was suspended and the bill was then read the third time and passed,

The House then took up for consideration Senate bill number fifty-one, "appointing commissioners to lay out and establish a state road from Gibraltar to Ypsilanti;" and

On motion of Mr. Bell,

The further consideration of said bill was indefinitely postponed.

The House took up for consideration Senate bill number twenty-seven, "to provide for issuing executions from circuit courts on judgments rendered before justices of the peace, in certain cases;" and

On motion of Mr. LeBaron, the further consideration of said bill was indefinitely postponed.

The House then took up for consideration, the "Bill for the relief of the River Rouge and River Ecorse bridge company," and the question being upon its final passage, it was lost by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Barbour, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Lathrop, | Mr. Steele, |
| Mr. Champlin, | Mr. Miller, | Mr. Stockton, |
| Mr. Coleman, | Mr. Moran, | Mr. Williams, |
| Mr. Foote, | Mr. McReynolds, | |

17

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bell, | Mr. Fuller, | Mr. Renwick, |
| Mr. Bird, | Mr. Hammond, | Mr. Spencer, |
| Mr. Button, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Speaker, |
| Mr. Cook, | Mr. McDonald, | |

17

On motion of Mr. Hammond,

The committee of the whole were discharged from Senate bill number fifty-seven, "to amend chapter five, title four, part three of the revised statutes, 'relating to proceedings in replevin;" and on his motion, the House took up the same for consideration, and the amendment reported by the judiciary

committee to said bill, was adopted, and the bill was then ordered to a third reading.

On motion of Mr. Champlin, the rule was suspended, the bill read the third time and passed.

The House took up for consideration Senate bill "to authorize the presiding judge of the circuit court of Wayne county to sign a certain record," and the said bill was then ordered to a third reading; and

On motion of Mr. Hammond, the rule was suspended, and the bill read the third time and passed.

On motion of Mr. Fuller,

The House re-considered its vote on the passage of the "Bill for the relief of the River Rouge and River Ecorse bridge company."

The question recurring upon the passage of said bill, the same was lost, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Backus, | Mr. Foote, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cook, | Mr. Moran, | Mr. Williams, |

15

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Spencer, |
| Mr. Bell, | Mr. Ingalls, | Mr. Speaker, |
| Mr. Button, | Mr. McClelland, | Mr. Steele, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Tucker, |
| Mr. Coleman, | Mr. Miller, | Mr. Walker, |
| Mr. Dunham, | Mr. Pierce, | Mr. Speaker, |
| Mr. Fuller, | Mr. Renwick, | |

20

Mr. Bell, from the select committee appointed for that purpose, reported a bill, entitled a "Bill to regulate the supplies furnished for the necessary use of the courts and offices therein mentioned, and to provide for the payment of the same;" which was twice read and referred to the committee of the whole.

On motion of Mr. McClelland,

The petition of the Ypsilanti and Monroe railroad company, was re-committed to the committee on internal improvement.

Mr. Spencer gave notice, that on some future day, he would ask leave to introduce a bill to repeal "An act to organize and regulate banking associations, approved March 15, 1837, and all acts amendatory thereto,"

On motion of Mr. Bell,

The following rule was suspended for the remainder of the session:

"No bill shall be taken up in committee of the whole or for a third reading in the House, until the same shall be printed and laid upon the tables of the members at least one day."

On motion of Mr. Bell,

The House went into committee of the whole on the "Bill to regulate the supplies furnished for the necessary use of the courts and offices therein mentioned, and to provide for the payment of the same;" Mr. Harbaugh in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House without amendment.

The bill then being under consideration, Mr. Fuller moved to strike out the words "and other articles," wherever they occur in said bill; which motion prevailed.

Mr. Pierce moved a re-consideration of the vote of the House on striking out "and other articles;" which motion prevailed; and

The question recurring upon striking out, the same was agreed to, by the following vote:

YEAS.

| | | |
|-------------|---------------|-----------------|
| Mr. Backus, | Mr. Gregory, | Mr. McClelland, |
| Mr. Button, | Mr. Hammond, | Mr. Miller, |
| Mr. Castle, | Mr. Harbaugh, | Mr. Moran, |
| Mr. Foote, | Mr. Ingalls, | Mr. McReynolds, |
| Mr. Forbes, | Mr. Johnson, | Mr. Williams, |
| Mr. Fuller, | Mr. Lathrop, | Mr. Speaker, 18 |

NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Barbour, | Mr. Coleman, | Mr. Spencer, |
| Mr. Bell, | Mr. Dunham, | Mr. Sprague, |
| Mr. Carr, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Newton, | Mr. Turner, |
| Mr. Champlin, | Mr. Pierce, | Mr. Walker, |
| Mr. Cook, | Mr. Renwick, | 17 |

The bill was then ordered to a third reading.

On motion of Mr. Bell,

The rule was suspended and the bill read the third time and passed.

On motion of Mr. Bell,

The committee of the whole were discharged from the consideration of House bill number one hundred and twenty-four, "to provide for releasing to the counties of Mackinac and Chippewa, their proportion of state tax for the year 1840 and 1841," and on his motion the House took up the same for consideration.

Mr. Turner moved to amend said bill by inserting after the word "years," in fourth line of the first section, "1839."

Mr. Pierce moved to amend the amendment, by adding the following additional section, which was not adopted:

"Sec. 2. *Be it further enacted*, That said counties shall provide and pay the Representatives of their respective counties, in the state legislature, so that no expenses shall be charged to this state, or drawn from the treasury thereof, for the services of said Representatives."

The question recurring upon Mr. Turner's motion, the same was also lost.

Mr. Gregory moved to further amend said bill by striking out in the fourth line of the first section, "and 1841."

Mr. Renwick moved to amend the amendment, by striking out the word "Chippewa," which motion prevailed.

The question recurring upon Mr. Gregory's motion,

Mr. Pierce moved to amend the same by striking out all after the enacting clause of said bill, which was negatived, by yeas and nays, as follows.

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bird, | Mr. Gregory, | Mr. Spencer, |
| Mr. Carr, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Castle, | Mr. McReynolds, | Mr. Steele, |
| Mr. Cathcart, | Mr. Newton, | Mr. Tucker, |
| Mr. Champlin, | Mr. Pierce, | Mr. Underwood, |
| Mr. Coleman, | Mr. Sanborn, | Mr. Speaker, |
| Mr. Forbes, | | |

NAYS.

| | | |
|--------------|-----------------|---------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, |
| Mr. Backus, | Mr. Hammond, | Mr. Moran, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Bell, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Button, | Mr. Johnson, | Mr. Turner, |
| Mr. Cook, | Mr. LeBaron, | Mr. Walker, |
| Mr. Dunham, | Mr. McClelland, | Mr. Williams, |
| Mr. Foote, | | |

22

The question again recurring upon Mr. Gregory's motion, the same prevailed,

Mr. Williams moved a re-consideration of the vote, rejecting the amendment offered by Mr. Turner, to insert "1839;" which motion did not prevail.

Mr. Turner moved to further amend said bill, by striking out "1840."

Mr. Stockton moved to refer the bill to a select committee of three; which motion did not prevail.

The question then recurring upon Mr. Turner's motion, he withdrew the same.

Mr. Sanborn moved to amend the bill, by striking out all after the enacting clause; which was negatived, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Spencer, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Steele, |
| Mr. Cathcart, | Mr. McReynolds, | Mr. Tucker, |
| Mr. Champlin, | Mr. Pierce, | Mr. Underwood, |
| Mr. Coleman, | Mr. Sanborn, | Mr. Speaker, |
| Mr. Forbes, | | |

19

NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Backus, | Mr. Foote, | Mr. Newton, |
| Mr. Barbour, | Mr. Fuller, | Mr. Renwick, |
| Mr. Bell, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Turner, |
| Mr. Button, | Mr. LeBaron, | Mr. Walker, |
| Mr. Cook, | Mr. Miller, | Mr. Williams, |
| Mr. Dunham, | Mr. Moran, | |

20

Mr. Steele moved to amend the bill, by inserting the word "Ingham," after "Mackinac;" which motion prevailed.

Mr. Sanborn moved to further amend said bill by inserting the word "Lapeer."

Mr. Turner moved to amend the amendment by striking out all after the enacting clause of said bill; which was agreed to by the following vote:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Gregory, | Mr. Sanborn, | |
| Mr. Barbour, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Bell, | Mr. Lathrop, | Mr. Sprague, | |
| Mr. Castle, | Mr. Miller, | Mr. Underwood, | |
| Mr. Cathcart, | Mr. Moran, | Mr. Walker, | |
| Mr. Dunham, | Mr. McReynolds, | Mr. Williams, | |
| Mr. Forbes, | Mr. Pierce, | Mr. Speaker, | 21 |

NAYS.

| | | | |
|---------------|---------------|---------------|----|
| Mr. Backus, | Mr. Foote, | Mr. Newton, | |
| Mr. Bird, | Mr. Fuller, | Mr. Renwick, | |
| Mr. Button, | Mr. Hammond, | Mr. Steele, | |
| Mr. Champlin, | Mr. Harbaugh, | Mr. Stockton, | |
| Mr. Cook, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Coleman, | Mr. LeBaron, | Mr. Turner, | 18 |

On motion of Mr. Bell, the enacting clause was ordered to lie upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Tuesday, March 24, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return herewith the "Bill to provide for the removal of the seat of justice of the county of Hillsdale," with amendments by the Senate, in which the concurrence of the House of Representatives is respectfully asked.

Also to inform you that the Senate have concurred in the House amendments to the "Bill to lay off and define the boundaries of certain counties," and passed the bill accordingly.

D. W. KELLOGG,

Secretary of the Senate.

And the House concurred in the amendments made by the Senate, to the "Bill to provide for the removal of the seat of justice of the county of Hillsdale," and passed the same as amended.

The Chair announced a communication from the Secretary of State, which was read, and

On motion of Mr. Hammond, the same was referred to the committee on ways and means.

On motion of Mr. Champlin,

The House took up his motion to re-consider the vote on the passage of the "Bill for the relief of the administrators of the estate of N. Wells, deceased," which vote was re-considered, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Button, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. LeBaron, | Mr. Steele, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Champlin, | Mr. McClelland, | Mr. Tucker, |
| Mr. Cook, | Mr. Miller, | Mr. Underwood, |
| Mr. Dunham, | Mr. Moran, | Mr. Walker, |
| Mr. Foote, | Mr. McReynolds, | Mr. Williams, |
| Mr. Gregory, | Mr. Pierce, | Mr. Speaker, 33 |

NAYS.

| | | |
|--------------|--------------|-------------|
| Mr. Backus, | Mr. Coleman, | Mr. Fuller, |
| Mr. Barbour, | Mr. Forbes, | Mr. Newton, |
| Mr. Bird, | | |

The question recurring upon the passage of said bill, the same was passed by a vote of two thirds of the members present, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Sanborn, |
| Mr. Bell, | Mr. Hammond, | Mr. Sprague, |
| Mr. Button, | Mr. Harbaugh, | Mr. Steele, |
| Mr. Carr, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Castle, | Mr. Johnson, | Mr. Tucker, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cook, | Mr. Moran, | Mr. Walker, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Williams, |
| Mr. Foote, | Mr. Pierce, | 29 |

NAYS.

| | | |
|--------------|--------------|--------------|
| Mr. Backus, | Mr. Fuller, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Renwick, |

| | | | |
|--------------|--------------|--------------|----|
| Mr. Bird, | Mr. Lathrop, | Mr. Spencer, | |
| Mr. Coleman, | Mr. Miller, | Mr. Speaker, | 12 |

On motion of Mr. McClelland,

The House took up his motion to re-consider the vote on the passage of the "Bill to authorize the guardians of Ursula and Dorothy Cauchois, to convey certain real estate," and the same was re-considered, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Gregory, | Mr. Pierce, | |
| Mr. Backus, | Mr. Hammond, | Mr. Sanborn, | |
| Mr. Button, | Mr. Harbaugh, | Mr. Spencer, | |
| Mr. Carr, | Mr. Ingalls, | Mr. Sprague, | |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, | |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Tucker, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, | |
| Mr. Cook, | Mr. Miller, | Mr. Underwood, | |
| Mr. Coleman, | Mr. Moran, | Mr. Walker, | |
| Mr. Dunham, | Mr. McReynolds, | Mr. Williams, | |
| Mr. Foote, | Mr. Newton, | Mr. Speaker, | |
| Mr. Forbes, | | | 34 |

NAYS.

| | | | |
|--------------|-----------|-------------|---|
| Mr. Barbour, | Mr. Bird, | Mr. Fuller, | 3 |
|--------------|-----------|-------------|---|

The question recurring upon the passage of said bill, the same was passed by a two-thirds vote, of the members present, as follows:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Foote, | Mr. Sanborn, | |
| Mr. Bell, | Mr. Forbes, | Mr. Sprague, | |
| Mr. Button, | Mr. Hammond, | Mr. Steele, | |
| Mr. Carr, | Mr. Harbaugh, | Mr. Stockton, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Turner, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Cook, | Mr. Moran, | Mr. Walker, | |
| Mr. Coleman, | Mr. McReynolds, | Mr. Williams, | |
| Mr. Dunham, | Mr. Pierce, | | 29 |

NAYS.

| | | | |
|--------------|--------------|--------------|----|
| Mr. Backus, | Mr. Gregory, | Mr. Newton, | |
| Mr. Barbour, | Mr. Johnson, | Mr. Renwick, | |
| Mr. Bird, | Mr. Miller, | Mr. Speaker, | |
| Mr. Fuller, | | | 10 |

On motion, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

On calling the roll, the same members were present as in the morning.

The Chair announced a special message from the Executive, accompanied by a preamble and series of resolutions from the general assembly of the state of Kentucky, relative to the public domain; which,

On motion of Mr. Hammond,

Was laid upon the table, together with the accompanying documents, and ordered printed.

(See House Document No. 67.)

Mr. Dunham asked and obtained leave of absence for Mr. Mulhollan, for an indefinite period on account of indisposition.

Mr. Newton for Mr. Larue the same.

Mr. Spencer offered the following preamble and joint resolutions:

Whereas, that portion of the state of Michigan which lies upon the Detroit river, borders upon the dominions of a foreign nation, separated therefrom, only by a narrow channel;

And whereas, no adequate provision has been made by the general government, to afford protection to the state in case of a war with said foreign nation, (which although not anticipated may hereafter be a calamity not to be avoided);

And whereas, the city of Detroit and the entire state, would, in case of such war, be imminently exposed to the destruction of the enemy;

And whereas, barracks and other means of a belligerent character have been erected and established upon the opposite side of the river, on a commanding position within a short distance and immediate view of the city of Detroit; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representative in Congress, be requested to use their exertions to procure the passage of an act of Congress, for the appropriation of an adequate sum of money to be expended in establishing at or near

the city of Detroit, in the state of Michigan, suitable means of protection and defence, for the contingency referred to in the foregoing preamble.

Resolved, That the Governor of this state be, and he is hereby authorized and required to transmit to each of our Senators and Representative in Congress, a copy of the foregoing preamble and resolution.

On motion of Mr. Hammond,

The rule was suspended requiring joint resolutions to lie upon the table for one day; and the resolution was read the third time and passed.

Mr. Harbaugh, from the committee on the library, to whom was referred a communication from the Executive, relative to furnishing the Congressional library with certain documents, reported the following joint resolutions, which were read the first and second times and referred to the committee of the whole and placed upon the general order.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this state be, and he is hereby authorized to transmit, annually, to the Secretary of the Senate of the United States, for the use of the Congressional library, the reports and documents of both Houses of this Legislature in relation to the geology and mineralogy of this state.

Be it further resolved, That the Governor of the state be, and he is hereby authorized to furnish the Secretary of the Senate of the United States, for the use of said Congressional library, with one bound copy of the documents of the Senate and House of Representatives, containing the reports on the subject of the geology and mineralogy of the state since its organization: *Provided*, the same are not needed for the state library, or for distribution under law.

Mr. Harbaugh, on leave, presented the petition of James R. Mansell, praying for relief. Referred to the committee on claims.

On motion of Mr. McReynolds,

The House took up the joint resolution laid upon the table

by Mr. Stockton, March 24th, directing the board of internal improvement to erect a car house in the city of Detroit, and

On motion of Mr. Hammond,

The same was referred to the committee on internal improvement.

Mr. McReynolds, on leave, and pursuant to previous notice, introduced a bill entitled a "Bill to amend an act entitled 'An act to regulate the terms of the supreme and circuit courts, and for other purposes,' which was twice read and referred to the committee on the judiciary.

Mr. Button called up the joint resolution laid upon the table March 19, "relative to disposing of the revised statutes," and on his motion, the same was referred to the committee on ways and means.

Mr. Renwick, from the committee on ways and means, to whom was referred a "Bill to provide for the assessment and collection of taxes on stock in railroad and other companies," reported the same back to the House without amendment, which was referred to the committee of the whole and placed upon the general order.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the consideration of Senate bill number sixty-five, "to provide for the publication of a map of the state of Michigan and the several counties therein," and on his motion, the House took up the same for consideration.

The bill was then read a third time, and

On motion of Mr. McReynolds, the same was laid upon the table.

On motion of Mr. Walker,

The committee of the whole were discharged from the consideration of House bill number fifty-five, "to amend an act relative to trunks and baggage, and other unclaimed personal property," approved April 16, 1839," and on his motion, the same was taken up by the House for consideration.

Mr. Walker moved to amend said bill by striking out "thirty," in the fourth line of the first section, and inserting in

lieu thereof "sixty;" also to insert the words "fourth and," in the second section, after the word "the;" which amendments were adopted, and the bill was ordered to a third reading.

On motion of Mr. Walker,

The House resolved itself into committee of the whole on the bill "granting certain corporate powers to the joint owners of burial grounds;" Mr. Button in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment.

The bill was then ordered to a third reading.

On motion of Mr. Renwick, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Foote,

The House went into committee of the whole on bill number one hundred and twenty-five, "concerning bail;" Mr. Foote in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in.

The bill then being under consideration,

Mr. Ashman moved to amend the same by inserting after the word "state," in the twelfth line, the following: "and bring him before such magistrate, that other and sufficient security may be given, and in failure so to do;" which amendment was adopted, and the bill was ordered to a third reading.

On motion of Mr. Renwick, the rule was suspended, the bill read the third time and passed.

The title being under consideration,

Mr. Harbaugh moved to amend the same by adding "in criminal cases;" which was adopted.

On motion of Mr. Renwick,

The House resolved itself into committee of the whole on the bill "to provide for the appointment of inspectors of domestic distilled spirits, and for other purposes;" Mr. Coleman in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment.

The bill being under consideration,

Mr. Ashman moved to amend the same by striking out "two," in the second section, third line, and inserting in lieu thereof, "four," which amendment was adopted.

The bill was then ordered to a third reading.

On motion of Mr. Renwick, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Hammond,

The House went into committee of the whole on bill number one hundred and nineteen, "to amend part one, title five, chapter eight of the revised statutes, relative to specific state taxes," Mr. Sprague in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment, and

On motion of Mr. Hammond, the bill was ordered to lie upon the table.

On motion of Mr. Underwood,

The committee of the whole were discharged from House bill number one hundred and eighteen, "to incorporate the Adrian young men's literary association," and on his motion, the same was taken up by the House for consideration.

Mr. Hammond moved to amend said bill, by striking out all after the enacting clause; which motion did not prevail.

The bill was then ordered to a third reading.

On motion, the rule was suspended, the bill read the third time and passed, by the following vote:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Backus, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Barbour, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Bird, | Mr. LeBaron, | Mr. Spencer, |
| Mr. Castle, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Cook, | Mr. McClelland, | Mr. Stockton, |
| Mr. Coleman, | Mr. McDonald, | Mr. Underwood, |
| Mr. Dunham, | Mr. Miller, | Mr. Walker, |
| Mr. Foote, | Mr. Moran, | Mr. Williams, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Fuller, | | |

NAYS.

Mr. Bell,
Mr. Button,
Mr. Carr,

Mr. Cathcart,
Mr. Gregory,

Mr. Hammond,
Mr. Steele,

7

On motion of Mr. Harbaugh,

The House resolved itself into committee of the whole on House bill number one hundred and thirteen, "to incorporate the Monroe city band;" Mr. Bell in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in.

The bill being then under consideration,

Mr. Pierce moved to amend the same by striking out the sixth section; which motion prevailed.

Mr. McClelland moved to further amend the bill, as follows:

Strike out in line one, section four, "president, vice president, secretary and treasurer, or any three of them shall constitute," and insert "members of said board shall elect;" strike out in line six, "forfeitures and penalties;" in line seven, "and penalties," and in line eight, "fifty," and insert "twenty-five" in lieu thereof; which amendments were adopted.

Mr. Fuller moved to amend the first section, fourth line, by inserting after the word "band," the words "of music;" which was adopted.

Mr. Pierce moved to further amend said bill by striking out the fifth section; which was lost.

Mr. Gregory moved to amend the fourth section, eighth line, by striking out the words "twenty-five," and inserting in lieu thereof, "ten;" which motion prevailed.

Mr. Fuller moved to amend the fourth section, eighth line, by striking out "dollars," and inserting in lieu thereof "cents;" which motion was lost.

Mr. McClelland moved to strike out the fifth section of said bill, and moved to add the following to the fourth section:

"Which fine shall be enforced against said member by an action of debt before any justice of the peace of the county of Monroe;" which amendments prevailed.

Mr. Hammond offered the following to stand as section six:

"Sec. 6. The members of said band, whenever regularly assembled, shall have power to adjourn from time to time; to pass and adopt by-laws regulating the terms of admission of members; providing for the expulsion of refractory members; prescribing fines for non-attendance or disorderly conduct of any kind; fixing the time and place of holding elections and other stated meetings; prescribing the duties of officers, and to raise, by contribution, such sum of money as they may think proper: *Provided*, That no by-laws shall be adopted, contravening the provisions of any of the laws of this state."

Which was adopted, and the bill was then ordered engrossed for a third reading.

On motion of Mr. Bell,

The House took up the "Bill to provide for the laying out and establishing certain state roads;" and the same being under consideration,

Mr. Bell offered to amend the bill by adding the following, to stand as section eight:

"Sec. 8. There shall be laid out and established a state road from the county seat of Ionia county to the village of Grand Rapids, in Kent county; and Thomas Corbett, Rix Robinson and John Almy be, and they are hereby appointed commissioners for that purpose."

Which was adopted.

On motion of Mr. Ashman, the following sections were added to said bill:

"Sec. 9. That the first section of an act, entitled "An act to provide for the laying out and establishing certain state roads," approved April 18, 1839, be amended by striking out all of the said section after the word "county," in the fifth (5) line to the word "thence," in the seventh (7) line, and inserting the following, to wit: "the south-west corner of section number nineteen, (19) in township number one north, of range number two west."

"Sec. 10. That the act, entitled "An act appointing commissioners to lay out and establish a state road from Dexter,

in the county of Washtenaw, to Lyons, at the mouth of the Maple river, in the county of Ionia," approved February 16, 1827, and all acts amendatory thereto be, and the same are hereby revived, and shall continue in force for two years from and after the passage of this act."

The bill was then ordered to a third reading.

On motion of Mr. Bell, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Renwick,

The House resolved itself into committee of the whole, on Senate bill in regard to "removing the seat of government;" Mr. Miller in the chair.

After spending some time thereon, the committee rose and reported progress, asked and obtained leave to sit again, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Barbour, | Mr. Dunham, | Mr. Steele, |
| Mr. Bell, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bird, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Button, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Moran, | Mr. Walker, |
| Mr. Cook, | Mr. Newton, | Mr. Williams, |
| Mr. Coleman, | Mr. Renwick, | |

20

NAYS.

| | | |
|-------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Foote, | Mr. McDonald, | Mr. Sprague, |
| Mr. Forbes, | Mr. Miller, | Mr. Speaker, |
| Mr. Fuller, | | |

19

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled, "An act to release the interest of the state in a certain lot to Emily Allan and Margaret Goodall."

Also, "An act to provide for the disposition of prisoners apprehended within the county of Livingston."

Also, "A joint resolution authorizing the Auditor General to settle for the printing and binding of the laws for the year 1840."

On motion of Mr. Tucker,

The bill entitled a "Bill to incorporate the stockholders of the Agricultural bank of Michigan," was taken up and made the special order of the day for to-morrow.

Mr. Renwick offered the following resolution:

Resolved, That the Auditor General and State Treasurer be required to examine and adjust the accounts and vouchers of the Superintendent of Public Instruction, relative to all his receipts and disbursements, on account of primary school fund; on account of interest on said fund; also, on account of university fund and the interest on said fund; the total quantity of land sold for the benefit of said funds respectively, with the amount of purchase money paid and unpaid; the balance due and the balance to become due; the total interest paid and interest due and unpaid, with all other matters pertaining to the fiscal duties of said Superintendent; and that said Auditor and Treasurer have power to send for persons and papers, so far as may be by them deemed necessary, to a full understanding of said accounts; and that said Auditor and Treasurer report to the legislature at the commencement of the next session.

Which, on motion of Mr. Hammond, was laid upon the table.

On motion of Mr. LeBaron, the House adjourned.

Wednesday, March 25, 1840.

The House met pursuant to adjournment, and on calling the roll there were absent without leave, Messrs. Castle and Moran.

Mr. Barbour asked and obtained leave of absence for Mr. Castle, until Friday.

Mr. Williams for Mr. Moran, for one day.

REPORTS.

Mr. Howard, from the committee on internal improvement, to whom was referred the "Joint resolution authorizing the board of internal improvement to erect a car house in the city of Detroit," reported the same back to the House, and recom-

mended its passage; and the same was referred to the committee of the whole, and placed upon the general order.

Mr. Howard, from the same committee, to whom was referred a "Joint resolution directing the Auditor General to charge against the appropriations on the several lines of railroad, so much of the railroad iron as may have been, or shall hereafter be taken for the use of said roads, together with the transportation and other charges," reported the same back to the House, and recommended its adoption; and the resolution was referred to the committee of the whole, and placed upon the general order.

Mr. Renwick, from the committee on ways and means, to whom was referred a resolution relative to disposing of the revised statutes, reported a bill, entitled a "Bill to provide for the further distribution and sale of the revised statutes of the state of Michigan;" which was twice read, referred to the committee of the whole, and placed upon the general order.

Mr. McReynolds, from the committee on education, to whom was referred Senate bill number fifty-nine, "relative to primary schools in the city of Detroit," reported the same back to the House with an amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. LeBaron, from the select committee, to whom was referred the "Bill to amend the revised statutes, and acts amendatory thereto, in reference to taverns and other licensed houses," reported the same back to the House, with an amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. Spencer, on leave, and pursuant to previous notice, introduced a bill, entitled a "Bill to repeal 'An act to organize banking associations,' approved March 15, 1837, and all acts amendatory thereto;" which was twice read, referred to the committee of the whole, and placed upon the general order.

On motion of Mr. Hammond,

The House took up the Senate joint resolution "relative to furnishing the Congressional library with certain documents."

Mr. Harbaugh moved to amend the same by striking out all

after the word "resolved, and substituting therefor, House resolutions on the same subject;" which motion prevailed, and the resolution, as amended, was passed.

On motion of Mr. Harbaugh,

The House took up the preamble and joint resolutions reported by a majority of the select committee "relative to the late election for representatives in Congress within and for the state of New Jersey." And the resolutions being under consideration,

Mr. Harbaugh moved to amend the same, by inserting the following between the two last resolutions:

Be it further resolved, That the resolution passed by a majority of the House of Representatives on the 10th of March, 1840, by which Philemon Dickensop, Peter D. Vroom, Daniel B. Ryall, William R. Cooper and Joseph Kille, were admitted to take their seats in the Congress of the United States, as representatives from the state of New Jersey, was a violation of the constitution of the United States, because it virtually repealed the statutes of the state of New Jersey, made in pursuance of that constitution, and was also a violation of the pledge of Congress through its committee on elections, to the five persons having possession of the legal evidence of title to seats as representatives in Congress, from the state of New Jersey.

Be it further resolved, That the decision of a majority of the House of Representatives of the Congress of the United States, in nullifying the laws of the state of New Jersey, and in giving seats as members of that Congress, to persons having no ascertained title to them, and also in refusing to hear what the opposing claimants had to say—in refusing to hear the testimony in possession of the committee on elections—in refusing to receive and hear read, the report of the minority of that committee, and in passing the resolution thus violating the Constitution and their plighted faith, under the power of the "previous question," which cuts off all debate, was an unparalleled and revolting outrage upon the Constitution of the United

States, the laws of one of the sovereign states of this Union, and the rights of the great body of the people themselves.

Which resolution was adopted.

The question being upon the passage of the resolution as amended;

Mr. Hammond offered to substitute therefor the joint resolutions reported by the minority of said committee; which were rejected, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Bell, | Mr. Hammond, | Mr. Turner, | |
| Mr. Bush, | Mr. McClelland, | Mr. Walker, | |
| Mr. Cathcart, | Mr. Steele, | Mr. Williams, | |
| Mr. Dunham, | Mr. Stockton, | | 11 |

NAYS.

| | | | |
|--------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Gregory, | Mr. Miller, | |
| Mr. Backus, | Mr. Hart, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Bird, | Mr. Howard, | Mr. Pierce, | |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, | |
| Mr. Coleman, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Forbes, | Mr. Lathrop, | Mr. Speaker, | |
| Mr. Fuller, | Mr. McDonald, | | 26 |

Mr. Button moved to lay the resolutions upon the table, which motion did not prevail.

The question again recurring upon the original resolutions as amended, the same were adopted, by the following vote:

YEAS.

| | | | |
|--------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Hart, | Mr. Miller, | |
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Howard, | Mr. Newton, | |
| Mr. Bird, | Mr. Ingalls, | Mr. Pierce, | |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Forbes, | Mr. LeBaron, | Mr. Sprague, | |
| Mr. Fuller, | Mr. Lathrop, | Mr. Tucker, | |
| Mr. Gregory, | Mr. McDonald, | Mr. Speaker, | 24 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Bell, | Mr. Dunham, | Mr. Stockton, | |
| Mr. Bush, | Mr. Hammond, | Mr. Turner, | |
| Mr. Burton, | Mr. McClelland, | Mr. Walker, | |
| Mr. Cathcart, | Mr. Steele, | Mr. Williams, | |
| Mr. Coleman, | | | 13 |

The preamble being under consideration,
 Mr. Hammond offered to substitute therefor the preamble accompanying the resolutions of the minority report; which was rejected, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Bell, | Mr. Hammond, | Mr. Turner, |
| Mr. Bush, | Mr. McClelland, | Mr. Walker, |
| Mr. Cathcart, | Mr. Steele, | Mr. Williams, |
| Mr. Dunham, | Mr. Stockton, | |

11

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. McDonald, |
| Mr. Backus, | Mr. Hart, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Bird, | Mr. Howard, | Mr. Pierce, |
| Mr. Button, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Speaker, |
| Mr. Fuller, | | |

25

And the preamble was then adopted, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Hart, | Mr. McReynolds, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Barbour, | Mr. Howard, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Fuller, | Mr. McDonald, | Mr. Speaker, |
| Mr. Gregory, | Mr. Miller, | |

28

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Bell, | Mr. Dunham, | Mr. Stockton, |
| Mr. Bush, | Mr. Hammond, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Coleman, | Mr. Steele, | Mr. Williams, |

12

Mr. McClelland, on leave, introduced a bill entitled a "Bill relative to the election of justices of the peace in the township of Monroe, and for other purposes," which was read and referred to the committee of the whole.

Mr. McReynolds, on leave, presented the claim of C. P. Holmes; which was referred to the committee on claims.

The House then took up for a third reading, the "Bill to

amend "An act relative to trunks and baggage, and other unclaimed personal property," approved April 16, 1899; which was then read the third time and passed.

The House took up for a third reading the "Bill to exempt grain while growing and other unharvested crops, from sale under execution;" which was read the third time and passed.

The Chair announced as the special order of the day, the "Bill to incorporate the Agricultural bank of Michigan," and

On motion of Mr. Tucker,

The House resolved itself into committee of the whole on said bill; Mr. McClelland in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments; which were concurred in.

The bill then being under consideration,

Mr. Bush moved to amend the same, by striking out all after the enacting clause; which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|--------------|----------------|
| Mr. Bell, | Mr. Fuller, | Mr. Steele, |
| Mr. Bush, | Mr. Gregory, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Spencer, | Mr. Speaker, |

9

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Foote, | Mr. Miller, |
| Mr. Backus, | Mr. Forbes, | Mr. Newton, |
| Mr. Barbour, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Carr, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Champlin, | Mr. Johnson, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Walker, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Williams, |
| Mr. Dunham, | Mr. McClelland, | |

20

Mr. Fuller moved to amend said bill, by adding the following at the end of section thirteen:

"Provided, the directors or a majority of them, shall be citizens of the state of Michigan."

Mr. Dunham moved to amend the amendment, by adding the following: "and shall have been for two years previous to the bank going into operation;" pending which,

On motion of Mr. LeBaron, the same was laid upon the table.

On motion of Mr. McClelland,

The committee of the whole were discharged from the consideration of the bill relative "to the election of justices of the peace in the township of Monroe, and for other purposes," and on his motion,

The House took up the same for consideration, and the bill was then ordered to a third reading.

On motion of Mr. McClelland, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Spencer,

The committee of the whole were discharged from the consideration of the bill to repeal an act entitled "An act to organize and regulate banking associations, approved March 15, 1837, and all acts amendatory thereto," and

On his motion, the House took up the same for consideration.

On motion of Mr. Bell, said bill was laid upon the table.

On motion of Mr. Barbour,

The House took up for consideration bill number one hundred and nine, "to provide for certain claims therein named," and on his motion,

The House resolved itself into committee of the whole on said bill; Mr. Gregory in the chair.

After spending some time thereon the committee rose and reported the same back to the House with sundry amendments, which were concurred in.

The bill being then under consideration,

Mr. Backus moved to amend the same, by attaching the following proviso to the several claims of A. E. Hathon, Wm. McGuire and Benjamin C. Cox: "*Provided*, the amount above allowed, be paid out of the internal improvement fund;" which motion prevailed.

Mr. Underwood moved to further amend said bill by striking out all that part appertaining to the claims of A. E. Hathon, Wm. McGuire and Benjamin C. Cox.

On motion of Mr. McClelland,

A division was ordered on striking out said claims, and the question being taken upon striking out the claim of A. E. Hathon, the same was negatived, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Bell, | Mr. Gregory, | Mr. Underwood, | |
| Mr. Bush, | Mr. Hammond, | Mr. Walker, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Williams, | |
| Mr. Dunham, | Mr. Steele, | Mr. Speaker, | 12 |

NAYS.

| | | | |
|---------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, | |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Hart, | Mr. Newton, | |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, | |
| Mr. Button, | Mr. Ingalls, | Mr. Renwick, | |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Sprague, | |
| Mr. Coleman, | Mr. Lathrop, | Mr. Stockton, | |
| Mr. Foote, | Mr. McDonald, | | 26 |

And the House refused to strike out the claim of Wm. McGuire.

And the House refused to strike out the claim of Benjamin C. Cox, by yeas and nays, as follows:

YEAS.

| | | | |
|--------------|----------------|--------------|---|
| Mr. Bush, | Mr. McDonald, | Mr. Speaker, | |
| Mr. Gregory, | Mr. Underwood, | | 5 |

NAYS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Ashman, | Mr. Foote, | Mr. Miller, | |
| Mr. Backus, | Mr. Forbes, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Fuller, | Mr. Newton, | |
| Mr. Bell, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Bird, | Mr. Hart, | Mr. Renwick, | |
| Mr. Button, | Mr. Harbaugh, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Ingalls, | Mr. Sprague, | |
| Mr. Cathcart, | Mr. Johnson, | Mr. Steele, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Coleman, | Mr. Lathrop, | Mr. Walker, | |
| Mr. Dunham, | Mr. McClelland, | Mr. Williams, | 33 |

Mr. Barbour moved to amend said bill in the twenty-third line, by striking out "fourteen," and inserting in lieu thereof, "forty-one;" also, by striking out in the same line the words "eighty-five," and inserting in lieu thereof "forty-six."

On motion of Mr. Harbaugh,

A division of the question was ordered; the question being taken upon striking out, the House refused to strike out the same.

Mr. Backus moved to further amend said bill by filling the blank in the twenty-third line with "three hundred," which motion did not prevail, and the bill was then ordered engrossed for a third reading.

Mr. Hammond, on leave, introduced a bill entitled a "Bill to amend an act entitled 'An act relative to highways,'" which was twice read, and referred to the committee of the whole, and placed upon the general order.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Tuesday, March 24, 1840. }

To the Speaker of the House of Representatives:

SIR—In pursuance of the joint rules, I transmit herewith, in behalf of the Senate and by their direction, the following bills which the Senate have severally passed, and respectfully ask the concurrence of the House of Representatives therein, to wit:

A "Bill in relation to powers of county commissioners."

A "Bill to lay out and establish a state road from Battle Creek to Grandville, in Kent county."

A "Bill to authorize the Treasurer of the state to take further security for the five million loan."

And a "Bill to amend the revised statutes, relating to 'wills of real and personal estate,'" &c.

Also, I am instructed by the Senate to return, with their concurrence, the "preamble and joint resolution relative to having certain taxes credited to the county of Kalamazoo," and the "Bill to change the name of the first Presbyterian church and society of the village of Adrian."

Also, to return the "Bill to establish the westerly line of the township of Cottrelville, in the county of St. Clair."

The "Bill to amend 'An act to extend the time of payment for

university and school lands, and for other purposes," and the "Bill to abolish certain offices, and for other purposes;" which the Senate have severally passed, with amendments, and respectfully ask the concurrence of the House of Representatives in the same.

D. W. KELLOGG,

Secretary of the Senate.

And the bills "in relation to the powers of county commissioners," and "to amend chapter first, title three, part two of the revised statutes, 'relating to wills of real and personal estate, and for other purposes,'" were severally twice read and referred to the committee on the judiciary.

The "Bill to lay out and establish a state road from Battle Creek to Grandville, in the county of Kent," was twice read and referred to the committee on roads and bridges.

The "Bill to authorize the Treasurer of the State to take further security for the five million loan," was twice read and referred to the committee on ways and means.

And the House concurred in the amendments made by the Senate to the "Bill to amend an 'Act to extend the time of payment for the university and school lands, and for other purposes.'"

And the House concurred in the first amendment made by the Senate to the "Bill to abolish certain offices, and for other purposes." The second amendment being under consideration,

On motion of Mr. Bell, the bill was laid upon the table.

On motion of Mr. McDonald, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

On calling the roll, there were absent without leave, Messrs. Howard and Turner.

The Chair announced the following message from the Executive:

To the House of Representatives:

On the 24th day of March, I approved, signed and deposited

in the office of the Secretary of State, an act, entitled "An act to alter the route of the Havre branch railroad, and for other purposes."

I have, also, this day, approved, signed and deposited in the office of the Secretary of State, an act, entitled "An act to abolish the office of bank commissioners, and for other purposes."

Also, a resolution, entitled "A joint resolution relative to the university of Michigan."

Also, an act, entitled, "An act to regulate the terms of the supreme and circuit courts, and for other purposes."

Also, an act, entitled "An act to incorporate the Marshall mutual insurance company."

Also, an act, entitled "An act to amend 'An act to provide for the government and discipline of the state prison.'"

Also, an act, entitled "An act to provide for the sale of certain lands to the settlers thereon, and for other purposes."

Also, an act, entitled "An act for the regulation of internal improvement."

WILLIAM WOODBRIDGE.

Executive Office, March 25, 1840.

Also, the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Wednesday, March 25, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return with their concurrence,

The "Bill to incorporate the Lake Superior fishing and mining company."

The "Bill for the relief of the county of Ottawa," and

The "Bill to incorporate the Jonesville railroad company."

Also, to return, with amendments, in which the concurrence of the House of Representatives is respectfully asked, the "Bill to amend part one, title five, chapter eight of the revised statutes."

And the "Bill to regulate and prescribe the amount of fees."

And also, to return the "Bill to authorize the guardian of

Ursula and Dorothy Cauchois, to convey certain real estate," which the Senate have passed by two-thirds vote.

I am also instructed to inform you, respectfully, that the Senate have concurred in the amendment of the House to the "Bill relating to proceedings in replevin."

Also, to inform you that the Senate have adopted the report of the committee of conference on the bill in relation to the Michigan state bank, to wit: "the Senate concur in the amendment to the same by the House."

Also to inform you respectfully, that the "Bill to regulate supplies furnished courts," &c., was lost in the Senate.

D. W. KELLOGG,

Secretary of the Senate.

And the House concurred in the amendments made by the Senate to the "Bill to amend part one, title five, chapter eight of the revised statutes," and passed the same as amended.

The amendments made by the Senate to the "Bill to regulate and prescribe the amount of fees," being under consideration,

On motion of Mr. Hammond,

The amendments made thereto, were referred to the committee of the whole, and on his motion,

The House resolved itself into committee of the whole, on the same; Mr. Hammond in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House, and recommended the adoption of all the amendments made by the Senate to said bill, except those made to the eleventh section.

The question then being upon concurring in the amendments of the Senate except in those made to the eleventh section, the same were concurred in, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Barbour,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Carr,

Mr. Foote,
Mr. Fuller,
Mr. Gregory,
Mr. Hammond,
Mr. Hart,
Mr. Ingalls,

Mr. McDonald,
Mr. Miller,
Mr. McReynolds,
Mr. Newton,
Mr. Pierce,
Mr. Sprague,

| | | | |
|---------------|--------------|--------------|----|
| Mr. Cathcart, | Mr. Johnson, | Mr. Speaker, | |
| Mr. Cook, | | | 22 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Backus, | Mr. Forbes, | Mr. Sanborn, | |
| Mr. Bell, | Mr. Harbaugh, | Mr. Stockton, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Dunham, | Mr. Renwick, | Mr. Walker, | 15 |

The question then being upon adopting the report of the committee, with reference to the eleventh section of said bill, the same did not prevail.

And the amendment made by the Senate to the eleventh section was then concurred in by the House, and the bill passed as amended.

On motion of Mr. Bell,

The House took up Senate bill number sixty-five, "to provide for the publication of a map of the state of Michigan, and the several counties therein."

The bill having been read the third time, the same was passed.

Mr. McReynolds moved that the House take up the "Bill to establish the compensation of members and officers of the Legislature."

The yeas and nays being ordered, the bill was taken up, by the following vote:

YEAS.

| | | | |
|--------------|-----------------|----------------|----|
| Mr. Backus, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Barbour, | Mr. Hart, | Mr. Renwick, | |
| Mr. Bush, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Fuller, | Mr. Miller, | Mr. Walker, | |
| Mr. Gregory, | Mr. McReynolds, | | 20 |

NAYS.

| | | | |
|---------------|---------------|---------------|----|
| Mr. Ashman, | Mr. Champlin, | Mr. LeBaron, | |
| Mr. Bell, | Mr. Cook, | Mr. McDonald, | |
| Mr. Bird, | Mr. Dunham, | Mr. Newton, | |
| Mr. Carr, | Mr. Forbes, | Mr. Stockton, | |
| Mr. Cathcart, | Mr. Harbaugh, | Mr. Tucker, | 15 |

On motion of Mr. Ingalls, a call of the House was ordered.

On calling the roll, there were absent without leave, Messrs. Howard, Lathrop, Spencer, Steele, Turner and Williams.

Mr. Harbaugh asked and obtained leave of absence for Mr. Howard, for one day.

Mr. Bell, for Mr. Turner, the same, and

On motion of Mr. McClelland, the further proceedings under the call were dispensed with.

The bill then being under consideration,

Mr. Ingalls moved to fill the blank in the third line of the first section with "two dollars and fifty cents."

Mr. McReynolds moved to amend the motion, by filling the same with "two dollars."

Mr. LeBaron moved to amend the amendment, by filling the same with "three dollars;" which motion was negatived, by the following vote:

YEAS.

| | | |
|---------------|--------------|---------------|
| Mr. Ashman, | Mr. Cook, | Mr. McDonald, |
| Mr. Bell, | Mr. Coleman, | Mr. Miller, |
| Mr. Bird, | Mr. Hammond, | Mr. Newton, |
| Mr. Carr, | Mr. Hart, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | |

17

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Backus, | Mr. Fuller, | Mr. Renwick, |
| Mr. Barbour, | Mr. Gregory, | Mr. Sanborn, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Button, | Mr. Ingalls, | Mr. Underwood, |
| Mr. Dunham, | Mr. McClelland, | Mr. Walker, |
| Mr. Foote, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Forbes, | Mr. Pierce, | |

20

The question recurring upon filling the blank with "two dollars."

Mr. Bush moved to amend the amendment, by filling the blank with "two dollars and seventy-five cents."

Mr. Pierce moved to lay the bill upon the table, which motion was negatived, by the following vote:

YEAS.

| | | |
|--------------|---------------|--------------|
| Mr. Ashman, | Mr. Cathcart, | Mr. Johnson, |
| Mr. Barbour, | Mr. Foote, | Mr. Miller, |
| Mr. Bell, | Mr. Forbes, | Mr. Newton, |

| | | | |
|-------------|---------------|--------------|----|
| Mr. Bird, | Mr. Hart, | Mr. Pierce, | |
| Mr. Bush, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Button, | Mr. Ingalls, | Mr. Speaker, | 18 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Backus, | Mr. Gregory, | Mr. Sanborn, | |
| Mr. Carr, | Mr. Hammond, | Mr. Sprague, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Cook, | Mr. McClelland, | Mr. Tucker, | |
| Mr. Coleman, | Mr. McDonald, | Mr. Underwood, | |
| Mr. Dunham, | Mr. McReynolds, | Mr. Walker, | |
| Mr. Fuller, | | | 19 |

On motion of Mr. Sprague,

The vote taken on refusing to fill the blank in the third line of the first section, was re-considered.

The question again recurring upon filling the said blank with "three dollars,"

On motion of Mr. Renwick, the bill was laid upon the table.

Mr. Harbaugh offered the following joint resolution:

Resolved by the House of Representatives, (the Senate concurring,) That on the _____ day of March instant, both branches of the Legislature will meet in the hall of the House of Representatives, in joint convention, for the purpose of receiving and acting upon any nominations which the Governor may then make to said convention.

On motion of Mr. Hammond,

The rule was suspended requiring joint resolutions to lie upon the table one day; and the question being upon its passage,

Mr. Harbaugh moved to fill the blank with Thursday, 26th instant, at 12 o'clock; which motion prevailed.

The question recurring upon the passage of the resolution, the same was passed.

Mr. Stockton moved to adjourn; which motion was negatived, by the following vote:

YEAS.

| | | | |
|-------------|-------------|---------------|---|
| Mr. Ashman, | Mr. Miller, | Mr. Stockton, | |
| Mr. Carr, | | | 4 |

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Backus, | Mr. Foote, | Mr. McDonald, |
| Mr. Barbour, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Bell, | Mr. Fuller, | Mr. Newton, |

| | | |
|---------------|-----------------|----------------|
| Mr. Bird, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bush, | Mr. Hammond, | Mr. Renwick, |
| Mr. Button, | Mr. Hart, | Mr. Sanborn, |
| Mr. Cathcart, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Champlin, | Mr. Ingalls, | Mr. Underwood, |
| Mr. Cook, | Mr. Johnson, | Mr. Walker, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Dunham, | Mr. McClelland, | |

32

On motion of Mr. Renwick,

The House took up from the table the resolution "requiring the Auditor General and State Treasurer to examine the accounts of the Superintendent of Public Instruction;" and the same being under consideration,

Mr. Hammond moved to amend the resolution, by inserting after the word "superintendent," where it last occurs in said resolution, the following: "up to the first day of December, 1840;" which amendment was adopted, and the resolution, as amended, passed.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the consideration of Senate resolution relative to "the Detroit young men's society," &c., and on his motion, the same was taken up by the House for consideration.

Mr. Hammond moved to amend the resolution, by inserting after the word "society," the following: "and all lyceums organized under the statute within this state."

Mr. Pierce moved to amend the amendment, by adding the following: "and that all library societies and institutes in this state shall be entitled to the same boon as the Detroit young men's society;" which amendment was accepted by Mr. Hammond.

The question being upon Mr. Hammond's amendment, as amended, the same was adopted, and the resolution ordered to a third reading.

On motion of Mr. Hammond,

The rule was suspended, the resolution read the third time and passed.

Mr. Renwick, from the committee on ways and means, to whom was referred Senate bill number seventy-three, "to au-

thorize the Treasurer of the State to take further security for the five million loan," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

The House took up the "Bill to abolish certain offices, and for other purposes," and the last amendment made by the Senate was concurred in, and the bill as amended, passed.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "A memorial to the Senate and House of Representatives of the United States, in Congress assembled."

Also, "An act to provide for the removal of the seat of justice for the county of Hillsdale."

Also, "An act to amend part one, title five, chapter seven of the revised statutes, in relation to the duties of county commissioners."

On motion of Mr. Barbour, the House adjourned.

Thursday, March 26, 1840.

The House met pursuant to adjournment.

On calling the roll, the members were all present except those absent on leave.

PETITIONS.

By Mr. Larue. Of J. B. Gard and others, inhabitants of the township of Royalton, in Berrien county, asking to be re-attached to the township of St. Joseph, in said county. Referred to the committee on towns and counties.

Mr. Barbour presented the claim of Alexander G. Abell, for services as clerk of committee on internal improvement; which was referred to the committee on claims.

REPORTS.

Mr. Renwick, from the committee on ways and means, to whom was referred a "Bill for the relief of Martin Kundig;" reported the same back to the House, and further reported, that the committee were of the opinion that any interference of the Legislature, in regard to the same, was inexpedient.

And the bill was referred to the committee of the whole and placed upon the general order, and the report ordered to lie upon the table.

Mr. Barbour, from the committee on claims, to whom was referred the petition of James R. Mansell, praying for relief, reported adverse to the allowance of the same.

Also, against the allowance of the claim of Samuel Cowles, for blacksmith work on state prison.

Also, the claim of J. Eldred & Son, for spikes for Central railroad, report the same back for the reason that provision is made for the settlement of like claims with the board of commissioners.

Also, the claim of L. C. Goodell, for a like reason.

The committee were discharged from the further consideration of said claims.

Mr. Harbaugh asked and obtained leave to withdraw the claim of J. Eldred & Son.

Mr. Lathrop also obtained leave to withdraw the claim of Samuel Cowles.

Mr. Ashman, from the committee on roads and bridges, to whom was referred Senate bill "to lay out and establish a state road from Battle Creek to Grandville, in the county of Kent," reported the same back to the House without amendment, and the same was referred to the committee of the whole and placed upon the general order.

Mr. Champlin, from the committee on internal improvement, to whom was referred the petition of the Monroe and Ypsilanti railroad company, praying for a loan of railroad iron from the state, reported a bill entitled a "Bill to authorize the board of commissioners of internal improvement to loan to the Ypsilanti and Monroe railroad company a certain amount of railroad iron;" which was twice read and referred to the committee of the whole.

Mr. Lathrop obtained leave to introduce a bill entitled a "Bill supplementary to an act to amend 'An act to provide for the government and discipline of the state prison,' approved March 25, 1840," which was read the first and second times and referred to the committee on the state prison.

Mr. Backus, from the committee on the judiciary, to whom was referred Senate bill "to amend chapter first, title three, part two of the revised statutes, 'relating to wills of real and personal estate, and for other purposes;'"

Also, Senate bill "in relation to the powers of county commissioners;"

Also, Senate bill "to amend an act entitled 'An act to regulate the terms of the supreme and circuit courts, and for other purposes,'" reported the same back to the House without amendment which were severally referred to the committee of the whole and placed upon the general order.

Mr. Lathrop, from the committee on state prison, to whom was referred the "Bill supplementary to an act to amend 'An act to provide for the government and discipline of the state prison,' approved March 25, 1840," reported the same back to the House without amendment; which was referred to the committee of the whole, and placed upon the general order.

Mr. McClelland, on leave, introduced a bill, entitled a "Bill relative to the fees of struck juries;" which was twice read and referred to the committee of the whole.

On motion of Mr. Harbaugh,

The House took up the joint resolution laid upon the table by Mr. Howard, March 12, "relative to illegal contracts made by the board of internal improvement."

The question being upon the adoption of the same,

Mr. Harbaugh offered additional resolutions, and moved to lay the same upon the table.

Mr. McClelland moved to amend the motion by ordering them printed.

Mr. Harbaugh then withdrew the additional resolutions, and on his motion, the original resolution was laid upon the table.

The House then took up for a third reading, the "Bill to provide for certain claims therein named;" which was read the third time and passed.

The House, also, took up for a third reading, the "Bill to incorporate the Monroe city band;" which was then read the third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Backus, | Mr. Fuller, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Renwick, |
| Mr. Bell, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bird, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Button, | Mr. Larue, | Mr. Sprague, |
| Mr. Carr, | Mr. LeBaron, | Mr. Steele, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Champlin, | Mr. McClelland, | Mr. Walker, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |
| Mr. Dunham, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | Mr. Moran, | |

35

NAYS.

| | |
|--------------|---|
| Mr. Johnson, | 1 |
|--------------|---|

The title then being under consideration,

Mr. McClelland moved to amend the same by adding "of music;" which was adopted.

The House then took up for a third reading, the "Bill to authorize the board of commissioners of internal improvement, to loan to the Palmyra and Jacksonburg railroad company, a certain amount of railroad iron."

Mr. McDonald moved to amend said bill, by striking out "eight," in the twelfth line of the first section, and inserting in lieu thereof the word "six;" which was adopted by general consent, and the bill was then read the third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Larue, | Mr. Renwick, |
| Mr. Bird, | Mr. LeBaron, | Mr. Steele, |
| Mr. Carr, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |
| Mr. Dunham, | | |

23

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Barbour, | Mr. Gregory, | Mr. Sanborn, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Walker, |
| Mr. Foote, | Mr. Miller, | Mr. Speaker, |
| Mr. Fuller, | | |

13

The House then took up the "Bill to establish the westerly line of the township of Cottrelville, in the county of St. Clair," and concurred in the amendments made by the Senate to said bill, and passed the same as amended.

On motion of Mr. LeBaron,

The "Bill to incorporate the stockholders of the Agricultural bank of Michigan," was taken up.

The question being upon ordering said bill to a third reading, the same prevailed, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McReynolds, |
| Mr. Backus, | Mr. Forbes, | Mr. Newton, |
| Mr. Bird, | Mr. Fuller, | Mr. Stockton, |
| Mr. Champlin, | Mr. Hart, | Mr. Tucker, |
| Mr. Cook, | Mr. Harbaugh, | Mr. Walker, |
| Mr. Coleman, | Mr. LeBaron, | |

17

NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Barbour, | Mr. Gregory, | Mr. Miller, |
| Mr. Bush, | Mr. Hammond, | Mr. Sprague, |
| Mr. Button, | Mr. Johnson, | Mr. Turner, |
| Mr. Carr, | Mr. Larue, | Mr. Williams, |
| Mr. Dunham, | Mr. McDonald, | Mr. Speaker, |

15

On motion of Mr. McReynolds,

The House resolved itself into committee of the whole on Senate bill "relative to primary schools in the city of Detroit;" Mr. Bush in the chair.

After spending some time thereon the committee rose and reported the same back to the House with sundry amendments, and the House concurred in the first amendment made to said bill; the second amendment being under consideration,

On motion of Mr. Harbaugh,

The bill was laid upon the table, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|---------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Lathrop, |
| Mr. Button, | Mr. Hammond, | Mr. Newton, |
| Mr. Cathcart, | Mr. Hart, | Mr. Pierce, |
| Mr. Cook, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Coleman, | Mr. Ingalls, | Mr. Steele, |
| Mr. Foote, | Mr. Johnson, | Mr. Williams, |
| Mr. Forbes, | Mr. Larue, | |

20

NAYS.

| | | |
|--------------|-----------------|----------------|
| Mr. Bell, | Mr. McDonald, | Mr. Stockton, |
| Mr. Bird, | Mr. Moran, | Mr. Turner, |
| Mr. Bush, | Mr. McReynolds, | Mr. Underwood, |
| Mr. Carr, | Mr. Spencer, | Mr. Walker, |
| Mr. Fuller, | Mr. Sprague, | Mr. Speaker, |
| Mr. LeBaron, | | |

16

On motion of Mr. Lathrop,

The committee of the whole were discharged from the consideration of the Senate joint resolution "directing the Auditor General to charge over to the several different lines of railroad, certain railroad iron," &c.; and on his motion,

The same was taken up by the House, and ordered to a third reading, and

On motion of Mr. Lathrop,

The rule was suspended, the resolution read the third time and passed.

Mr. McReynolds moved that the House take up from the table, the bill to "establish the compensation of members and officers of the Legislature;" which motion did not prevail.

Mr. Spencer asked and obtained leave of absence for Mr. Renwick, for one day.

Mr. Harbaugh for Mr. Howard, the same.

On motion of Mr. McReynolds,

A call of the House was ordered, and on calling the roll the following members were absent without leave, Messrs. Barbour, Champlin, Fuller, McClelland, Sanborn and Williams; and

On motion of Mr. McReynolds,

The sergeant-at-arms was directed to bring in the absentees; several of the absent members appearing and taking their seats,

On motion of Mr. Lathrop,

The further proceedings under the call were dispensed with.

Mr. LeBaron moved that the House take up the enacting clause of the "Bill to provide for the appraisal of property ta-

been in execution, and for other purposes;" which motion prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Bell, | Mr. Dunham, | Mr. McClelland, |
| Mr. Bush, | Mr. Foote, | Mr. Moran, |
| Mr. Button, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Turner, |
| Mr. Coleman, | | |

22

NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Backus, | Mr. Hart, | Mr. Spencer, |
| Mr. Bird, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Cook, | Mr. Lathrop, | Mr. Steele, |
| Mr. Forbes, | Mr. Miller, | Mr. Underwood, |
| Mr. Fuller, | Mr. Pierce, | Mr. Walker, |
| Mr. Gregory, | Mr. Sanborn, | Mr. Speaker, |

18

On motion of Mr. LeBaron,

The same was referred to the committee of the whole, and on his motion,

The House went into committee of the whole on said enacting clause; Mr. Harbaugh in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments.

On motion of Mr. McReynolds, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment; and on calling the roll, there were absent without leave, Messrs. Ashman, Bush, Button, Coleman, Larue, McDonald, Moran, Sanborn and Williams.

The Chair announced the following message from the Executive:

To the Senate and House of Representatives:

GENTLEMEN—By the provision of the act for the regulation of internal improvement, the Governor is required to appoint an acting commissioner "by and with the advice and consent of both branches of the Legislature in joint convention."

By the "Act to provide for the sale of certain lands to the settlers thereon, and for other purposes," certain "commissioners of appraisal" are to be appointed "by and with the advice and consent of both branches of the Legislature," without providing whether the respective houses act severally, receiving the nomination in duplicate addressed to each house, or whether in joint convention met.

I must solicit the advice of the two branches, whether it be their pleasure to receive such nominations while in joint convention, or in duplicate to each. In any event, I will be, on my part, ready to make the required nominations to-morrow, or at any other time, and at such hour as it may be the pleasure of the two branches to name.

WILLIAM WOODBRIDGE.

Executive Office, March 24, 1840.

Which was laid upon the table.

The question being on the unfinished business of the morning, on concurring in the amendments made in committee of the whole, to the "Bill to provide for the appraisal of property taken in execution."

On motion of Mr. McClelland, a call of the House was ordered.

The roll being called, Messrs. Ashman, Bush, Coleman, Larue, McDonald, Sanborn, Moran and Steele, were absent without leave.

On motion of Mr. Champlin, the sergeant-at-arms was directed to bring in the absentees.

Mr. Sprague moved that further proceedings under the call, be dispensed with; which motion was lost.

After some time, Mr. Spencer renewed the motion of Mr. Sprague; which prevailed.

The question then recurring upon the adoption of the amendments reported by the committee of the whole,

Mr. Button moved the indefinite postponement of the further consideration of said bill,

Pending which question, Mr. Bell was called to the chair.

The yeas and nays being ordered, after much debate, the motion prevailed, by the following vote:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Backus, | Mr. Fuller, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bird, | Mr. Hart, | Mr. Sanborn, |
| Mr. Button, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Sprague, |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Coleman, | Mr. McDonald, | Mr. Speaker, |
| Mr. Forbes, | Mr. Miller, | |

23

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Tucker, |
| Mr. Bush, | Mr. Larue, | Mr. Turner, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Walker, |
| Mr. Dunham, | Mr. McClelland, | Mr. Williams, |
| Mr. Foote, | Mr. McReynolds, | |

17

On motion of Mr. Hammond,

The committee of the whole were discharged from the consideration of the "Bill reducing the minimum price of university and school lands;" on his motion, the House took up the same for consideration.

The question being upon concurring in the amendments reported by the select committee to said bill, the House non-concurred in the first amendment, and concurred in the second amendment.

The question then being upon ordering the bill to a third reading,

Mr. Gregory moved to amend said bill by striking out all after the word "sale," in the second section, fifth line.

Mr. Pierce moved to amend the amendment by striking out all after the enacting clause of said bill; pending which,

Mr. Sanborn moved a call of the House, which was sustained; and the roll being called, there were absent without leave, Messrs. Cook, Lathrop and Moran.

And on motion, the sergeant at-arms was directed to bring in the absentees.

And on motion of Mr. Hammond, the further proceedings under the call were dispensed with.

The question then recurring upon striking out all after the enacting clause of said bill, the same prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-----------------|--------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Spencer, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Barbour, | Mr. Johnson, | Mr. Steele, |
| Mr. Bird, | Mr. McDonald, | Mr. Tucker, |
| Mr. Bush, | Mr. McReynolds, | Mr. Turner, |
| Mr. Carr, | Mr. Pierce, | Mr. Walker, |
| Mr. Foote, | Mr. Sanborn, | Mr. Speaker, |
| Mr. Forbes, | | |

22

NAYS.

| | | |
|---------------|--------------|-----------------|
| Mr. Bell, | Mr. Fuller, | Mr. Lathrop, |
| Mr. Button, | Mr. Hammond, | Mr. McClelland, |
| Mr. Cathcart, | Mr. Hart, | Mr. Miller, |
| Mr. Champlin, | Mr. Ingalls, | Mr. Newton, |
| Mr. Coleman, | Mr. Larue, | Mr. Stockton, |
| Mr. Dunham, | Mr. LeBaron, | Mr. Williams, |

18

On motion of Mr. Spencer,

The further consideration of the enacting clause was indefinitely postponed.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled, "An act for the relief of the county of Ottawa."

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled, "An act to abolish certain offices, and for other purposes."

Also, "An act to amend 'An act to extend the time of payment for the university and school lands.'"

Also, "An act to alter the boundaries of the township of Cottrelville."

Also, "An act to change the name of the first Presbyterian church and society of the village of Adrian."

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "A preamble and joint resolution relative to authorizing the Auditor General to credit Kalamazoo county with certain taxes."

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to release the interest of the state in a certain lot, to Emily Allan and Margaret Goodall."

Also, an act entitled "An act to provide for the disposition of prisoners apprehended in the county of Livingston."

Also, a joint resolution entitled "A joint resolution authorizing the Auditor General to settle for the printing and binding of the laws for the year one thousand eight hundred and forty."

Also, an act entitled "An act to amend part one, title five, chapter seven of the revised statutes, in relation to the duties of county commissioners."

WILLIAM WOODBRIDGE.

Executive Office, March 26, 1840.

On motion of Mr. Lathrop,

The committee of the whole were discharged from the "Bill supplementary to an act to amend 'An act to provide for the government and discipline of the state prison,' approved March 25, 1840;" and on his motion, the same was taken up for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Lathrop,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Spencer,

The House took up for consideration the "Bill to repeal an act entitled 'An act to organize and regulate banking associations,' approved March 15, 1837, and all acts amendatory thereto."

Mr. Bell offered the following amendment, to come in at the end of the first section:

"*Provided*, That the corporate rights, privileges and immunities of the bank of Marshall, the bank of Adrian, the Detroit and St. Joseph railroad bank, and the Merchants' bank of Jackson, at Brooklyn, or any other present specie paying bank-

ing association created under and by said act, shall be in no wise impaired, injured or interfered with by this act, nor shall the obligations and requirements imposed by said act on said banks, be in any manner altered, lessened or diminished by any construction of this act, but the same shall be so construed as allowing the corporate existence of said banks, with all the rights, privileges, immunities and franchises, and subject to all the requirements and obligations bestowed upon, and required of them, agreeably to said act and all subsequent acts."

"And provided further, That the court of chancery shall be, and it is hereby authorized to proceed in all suits and proceedings commenced, or to be brought therein, against any bank or banking association created by said act or acts, herein first recited, with the same force and effect, in all respects whatsoever, as if said act or acts had not been repealed."

Mr. McClelland moved to commit the bill and amendment to the committee on the judiciary.

Mr. Bell moved to amend the motion by instructing the committee to report the same back to the House to-morrow afternoon.

Mr. McClelland then withdrew his motion.

Mr. Harbaugh renewed the same, and the motion, as amended, prevailed.

On motion of Mr. Hammond,

The committee of the whole were discharged from the "Bill to amend an act entitled 'An act relative to highways;'" and

On motion, the same was taken up by the House for consideration; and the bill was then ordered to a third reading.

On motion of Mr. Hammond,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Harbaugh, the House adjourned.

Friday, March 27, 1840.

The House met pursuant to adjournment.

And on calling the roll, the members were all present except those absent on leave.

REPORTS.

Mr. Spencer, from the committee on internal improvement, to whom was referred a resolution relative to the construction of a turnpike on the Northern railroad route; also, the petition of L. G. Budlong, praying for damages sustained by the location of the Southern railroad; also, the petition of John Chamberlin, for compensation; also, the memorial of sundry citizens of Jackson county, praying for the completion of the Central railroad to the village of Jackson, reported them several-ly back to the House, and the committee asked and were discharged from the further consideration of the same.

Mr. Ingalls, from the committee on expenditures, reported a bill entitled a "Bill to provide for the payment of claims therein named," which was twice read and referred to the committee of the whole.

Mr. Champlin, from the committee on towns and counties, to whom was referred the remonstrance of J. B. Gard and others, against the township of Royalton being re-attached to the township of St. Joseph, reported the same back to the House, and the committee were discharged from its further consideration.

The House then took up for a third reading the "Bill to incorporate the Agricultural bank of Michigan."

Mr. Walker, upon general consent, offered the following amendment, to be inserted in section thirteen in line eight, after the word "stock:" "and in case any stockholder shall assign or transfer his stock in said corporation to any other person or persons, he shall still be liable in the same manner as if such assignment or transfer had not been made, unless such assignment shall be approved by the Auditor General of the state, and a certificate of such approval filed in the office of the Secretary of State."

Also, to strike out in section three, first line, the word

"tenth," and insert in lieu thereof the word "fifth;" pending which,

Mr. Bell moved to lay the bill and amendments upon the table, which motion did not prevail.

On motion of Mr. Lathrop,

The said bill and amendments were committed to the committee of the whole.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Thursday, March 26, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit herewith, a "Bill to amend the revised statutes, 'relative to the discontinuance of highways, and for other purposes;'"

And a "Bill for the improvement of the state salt springs;" both of which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

Also, to return the "Bill to provide for the payment of the amounts due the several counties on account of delinquent taxes;"

And the "Bill to incorporate the Jackson county mutual fire insurance company;" both of which the Senate have passed without amendment.

Also, to return the "Bill concerning officers of courts of record;" and the substitute for Senate bill "to abolish the office of county commissioners," &c., which the Senate have passed with amendments to each, and respectfully ask the concurrence of the House in the same.

I am further directed by the Senate, to inform you that they have concurred in the amendments of the House to the joint resolutions, "relative to the Detroit young men's society, and lyceums," &c., and "relative to furnishing the Congressional library with certain documents."

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to amend the revised statutes relative to the discontinuance of highways, and for other purposes," was twice read and referred to the committee on the judiciary.

The "Bill for the improvement of the state salt springs," was twice read, and referred to the committee on ways and means.

And the House refused to concur in the amendments made by the Senate to the bill "concerning officers of courts of record," and

On motion of Mr. McClelland,

A committee of conference was appointed on the part of the House, on said bill, consisting of Messrs. McClelland, Tucker and Larue.

The "Bill to abolish the office of county commissioners and to substitute therefor a board of supervisors," being under consideration, the House concurred in the first amendment made by the Senate to said bill, and refused to concur in the second and third amendments to the same, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Moran, |
| Mr. Backus, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bush, | Mr. Hart, | Mr. Steele, |
| Mr. Cathcart, | Mr. Harbaugh, | Mr. Turner, |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Dunham, | Mr. McClelland, | |

17

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Barbour, | Mr. Forbes, | Mr. Newton, |
| Mr. Bell, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bird, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. Larue, | Mr. Stockton, |
| Mr. Castle, | Mr. LeBaron, | Mr. Walker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, |
| Mr. Coleman, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | | |

25

On motion of Mr. Bell,

A committee of conference was appointed on the part of the House, on said bill, consisting of Messrs. Bell, Renwick and Harbaugh.

Mr. Pierce, upon leave, presented the claim of T. M. Ladd, & Co., for copies of State Journal, furnished members of the Legislature. Referred to the committee on claims.

On motion of Mr. Underwood,

The House resolved itself into committee of the whole on the bill "to provide for the assessment and collection of taxes on stock in railroads and other companies;" Mr. Button in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House with sundry amendments; which were concurred in, and the same was then ordered to a third reading, and

On motion of Mr. Harbaugh,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Renwick,

The House took up the bill "to establish the compensation of members and officers of the Legislature."

On motion of Mr. Bush, a call of the House was ordered.

The roll being called, there were absent without leave, Messrs. Bell, Champlin, Larue, Moran, McReynolds, Spencer, Steele, Stockton, Turner and Walker.

On motion of Mr. Pierce, leave of absence was granted to Mr. Spencer for one day.

On motion of Mr. Lathrop,

The sergeant-at-arms was directed to bring in the absentees, who soon after appeared and took their seats, and

On motion of Mr. McClelland,

The further proceedings under the call were dispensed with, and

On motion of Mr. McClelland,

The further consideration of said bill was indefinitely postponed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Cook, | Mr. McDonald, |
| Mr. Barbour, | Mr. Coleman, | Mr. Miller, |
| Mr. Bell, | Mr. Dunham, | Mr. Moran, |
| Mr. Bird, | Mr. Gregory, | Mr. Newton, |
| Mr. Bush, | Mr. Hammond, | Mr. Sprague, |
| Mr. Button, | Mr. Hart, | Mr. Stockton, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Tucker, |
| Mr. Castle, | Mr. Johnson, | Mr. Turner, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Williams, |
| Mr. Champlin, | Mr. McClelland, | |

NAYS.

| | | | |
|--------------|--------------|----------------|----|
| Mr. Backus, | Mr. Kenny, | Mr. Sanborn, | |
| Mr. Foote, | Mr. Lathrop, | Mr. Underwood, | |
| Mr. Fuller, | Mr. Pierce, | Mr. Walker, | |
| Mr. Ingalls, | Mr. Renwick, | Mr. Speaker, | 12 |

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Friday, March 27, 1840. }

To the Speaker of the House of Representatives:

SIR—By direction of the Senate, I transmit herewith a "Bill to amend an act entitled 'An act to amend an act entitled 'An act to organize and regulate banking associations, and for other purposes,'" and a "Joint resolution relative to the manner of appointing commissioners to appraise certain university lands," which the Senate have severally passed, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to amend an act entitled 'An act to amend an act entitled 'An act to organize and regulate banking associations, and for other purposes,'" was twice read and referred to the committee of the whole.

The "Joint resolution relative to the manner of appointing commissioners to appraise certain university lands," was twice read and referred to the committee of the whole.

On motion of Mr. Lathrop,

The committee of the whole was discharged from the "Joint resolution relative to the manner of appointing commissioners to appraise certain university lands," and on his motion, the same was taken up for consideration by the House.

Mr. Bell moved to so amend the resolution, as to have the two Houses meet in joint convention in the hall of the House of Representatives, which motion prevailed, and the resolution as amended was adopted.

On motion of Mr. Ashman,

The House took up the "Bill relative to the Auditor General and State Treasurer, and the offices of both."

Mr. Miller moved to amend the second section in the third and fifth lines, by striking out the word "five," and inserting in lieu thereof, the word "six," which was negatived, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Gregory,

Mr. Hart,
Mr. Kenny,

Mr. Miller,

5

NAYS.

Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Coleman,
Mr. Foote,

Mr. Forbes,
Mr. Fuller,
Mr. Hammond,
Mr. Harbaugh,
Mr. Larue,
Mr. LeBaron,
Mr. McClelland,
Mr. McDonald,
Mr. Moran,
Mr. McReynolds,

Mr. Newton,
Mr. Pierce,
Mr. Sanborn,
Mr. Sprague,
Mr. Stockton,
Mr. Tucker,
Mr. Turner,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

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The Speaker called Mr. McClelland to the chair.

On motion of Mr. Hammond,

The first section was amended by adding the following words thereto: "which shall be paid into the treasury."

Mr. Ashman moved to amend the second section in the third line, by inserting after the word "treasurer," the following words: "and Secretary of State, each;" which was negatived, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Barbour,
Mr. Champlin,
Mr. Cook,
Mr. Fuller,

Mr. Gregory,
Mr. Hart,
Mr. Harbaugh,
Mr. LeBaron,

Mr. Lathrop,
Mr. Miller,
Mr. Newton,
Mr. Stockton,

13

NAYS.

Mr. Backus,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Coleman,
Mr. Dunham,

Mr. Foote,
Mr. Forbes,
Mr. Hammond,
Mr. Ingalls,
Mr. Johnson,
Mr. McClelland,
Mr. Moran,
Mr. McReynolds,
Mr. Pierce,

Mr. Renwick,
Mr. Sanborn,
Mr. Sprague,
Mr. Tucker,
Mr. Turner,
Mr. Underwood,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

26

Mr. Bush moved to amend the first section by adding the following: "one half of which shall be credited to the county from which the land described was returned, to go towards their annual state tax."

Mr. Backus moved to amend Mr. Bush's motion by substituting the following therefor: "*Provided*, That not more than fifty cents shall be demanded or received for any certificate or certificates of one person at the same time;" which did not prevail.

The question recurring upon Mr. Bush's amendment.

Mr. Sanborn moved to amend the same by adding the following:

"And that in no instance shall more than fifty cents be charged for any certificate, whatever be the number of tracts of land included in said certificate;" which motion did not prevail.

The question recurring upon Mr. Bush's motion, he withdrew the same.

On motion of Mr. Gregory,

The first section was amended by inserting the word "one," after the word "any," in the eighth line, and the following after the word "cents," in the same line, "and six cents additional charge for every other additional piece of land included in the same certificate."

Mr. Bush then renewed his amendment to the same section, which was adopted.

Mr. Tucker moved to amend the second section, in the second line, by striking out the words "the necessary number of," and inserting in lieu thereof "not to exceed the number of two;" which motion prevailed.

Mr. Tucker moved to amend said bill by striking out all of the second section after the word "quarterly," in the third line, also, by striking out the fourth section; which motion was negatived, by yeas and nays, as follows:

YEAS.

Mr. Axford,
Mr. Backus,
Mr. Bush,

Mr. Harbaugh,
Mr. Ingalls,
Mr. McClelland,

Mr. Steele,
Mr. Stockton,
Mr. Tucker,

Mr. Carr,
Mr. Cathcart,
Mr. Dunham,
Mr. Forbes,

Mr. Moran,
Mr. Pierce,
Mr. Sanborn,

Mr. Turner,
Mr. Walker,
Mr. Williams,

19

NAYS.

Mr. Ashman,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Button,
Mr. Castle,
Mr. Cook,

Mr. Coleman,
Mr. Foote,
Mr. Fuller,
Mr. Gregory,
Mr. Hammond,
Mr. Johnson,
Mr. Larue,

Mr. LeBaron,
Mr. Miller,
Mr. McReynolds,
Mr. Newton,
Mr. Renwick,
Mr. Sprague,
Mr. Underwood, 21

Mr. Harbaugh moved to so amend said bill, as to allow the Secretary of State a deputy, which motion prevailed.

Mr. Backus moved to amend the fifth section, by inserting after the word "sickness," the following, "or necessary absence;" which amendment was adopted.

On motion of Mr. Renwick,

The vote taken on allowing the Secretary of State a deputy, was re-considered.

The question then recurring upon the adoption of the same, it did not prevail.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Lathrop,

The committee of the whole were discharged from Senate bill in relation "to the powers of county commissioners," and

On motion of Mr. Tucker, the same was taken up by the House for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Lathrop, the rule was suspended, the bill read the third time, and

On motion of Mr. Hammond, the bill was re-committed to the committee of the whole.

Mr. Hammond, on leave, presented the claim of George Coombs, which was referred to the committee on claims.

Mr. Tucker, from the committee on claims, to whom was referred the claim of John M. Willson, reported the following joint resolution which was laid upon the table, for one day according to rule:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Attorney General be, and he is hereby directed to enter satisfaction and release on behalf of the state, in a certain judgment rendered on the fifteenth day of May in the year for \$4,647 00, obtained in the circuit court of Wayne county, wherein the people of the state of Michigan is plaintiff and John M. Willson, late sheriff, is defendant, including the costs of the same.

On motion of Mr. Fuller,

Resolved, That a committee of three be appointed, to wait upon the Senate and inform them that the House of Representatives will be ready to go into joint convention with the Senate at three o'clock in the afternoon of this day, to receive and act upon any nominations which the Governor may present to the convention; and that the Senate be respectfully requested to meet the House at that hour, in the hall of the House of Representatives.

The Chair announced as such committee, Messrs. Fuller, Bell and Tucker.

Mr. McReynolds, from the committee on education, to whom was referred the Senate bill number sixty-three, "relative to common schools, and for the payment of Thomas Beals, and other purposes," reported the same back to the House with sundry amendments, which was referred to the committee of the whole, and placed upon the general order.

On motion of Mr. LeBaron, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

On calling the roll there were absent without leave, Messrs. Lathrop and McReynolds.

REPORTS.

Mr. Backus, from the judiciary committee, to whom was referred the "Bill to repeal 'An act to organize and regulate banking associations,' approved March 15, 1837, and all acts amendatory thereto," reported the same back to the House

with an amendment, which was referred to the committee of the whole, and placed upon the general order.

On motion of Mr. Bell,

The committee of the whole were discharged from Senate bill number sixty-nine, "to amend an act entitled 'An act to amend an act entitled 'An act to organize and regulate banking associations, and for other purposes;'" and on his motion, the same was taken up by the House for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Bell,

The rule was suspended, the bill read the third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Miller, |
| Mr. Backus, | Mr. Fuller, | Mr. Moran, |
| Mr. Bell, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bird, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bush, | Mr. Hart, | Mr. Sanborn, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Carr, | Mr. Ingalls, | Mr. Steele, |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. McClelland, | Mr. Walker, |
| Mr. Coleman, | Mr. McDonald, | Mr. Speaker, |
| Mr. Dunham, | | |

37

NAYS.

0

On motion of Mr. Hammond,

The committee of the whole were discharged from the Senate bill "in relation to the powers of county commissioners," and on his motion, the same was taken up by the House for consideration.

Mr. Hammond moved to amend the same, by adding the following at the end of the second section:

"*Provided*, nothing herein contained shall be construed to authorize the holding of courts at any other place than the county seat or at such place or places as is now designated by law;" which amendment was adopted, and the bill was then ordered to a third reading.

On motion of Mr. Barbour,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Backus,

The House resolved itself into committee of the whole on Senate bill number sixty-seven, "to amend chapter one, title three, part two of the revised statutes, relating to wills of real and personal estate, and for other purposes;" Mr. Renwick in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment.

Mr. Gregory moved to amend said bill, by striking out the fourth section, which motion did not prevail.

The bill was then ordered to a third reading.

On motion of Mr. Backus, the rule was suspended, the bill read the third time and passed.

Mr. Fuller, from the select committee appointed to inform the Senate that the House would be ready to meet them in joint convention at three o'clock this afternoon, for the purpose of acting upon any nominations the Governor might see fit to make, reported that the committee had discharged the duty assigned them.

On motion of Mr. Hammond,

The House went into committee of the whole, on Senate bill number seventy-three, "to authorize the Treasurer of the State to take further security for the five million loan; Mr. Tucker in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House without amendment; the same being under consideration,

Mr. McClelland moved to amend said bill, by striking out from the word "same," in the fifth line, to the word "and," in the sixth line.

Mr. LeBaron moved to amend the amendment, by striking out all after the word "same," in the fifth line, to the word "and," in the seventh line; which motion did not prevail.

The question recurring upon Mr. McClelland's motion,

Mr. Button moved to amend the same, by inserting the following after the word "Philadelphia," in the sixth line, "if he shall deem it necessary;" which motion was lost.

The question again recurring upon Mr. McClelland's motion, it was agreed to, by the following votes:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Hammond, | Mr. Steele, |
| Mr. Bird, | Mr. Ingalls, | Mr. Stockton, |
| Mr. Bush, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Button, | Mr. McClelland, | Mr. Turner, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Underwood, |
| Mr. Champlin, | Mr. Moran, | Mr. Walker, |
| Mr. Coleman, | Mr. Pierce, | Mr. Williams, |
| Mr. Foote, | Mr. Sprague, | |

23

NAYS.

| | | |
|-------------|---------------|--------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, |
| Mr. Carr, | Mr. Hart, | Mr. Sanborn, |
| Mr. Castle, | Mr. Harbaugh, | Mr. Speaker, |
| Mr. Cook, | Mr. Larue, | |

11

The bill was then ordered to a third reading.

On motion of Mr. Harbaugh, the rule was suspended, the bill read the third time and passed.

On motion of Mr. McClelland,

The House resolved itself into committee of the whole, on the "Bill to authorize the board of commissioners of internal improvement, to loan to the Monroe and Ypsilanti railroad company, a certain amount of railroad iron;" Mr. Harbaugh in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House without amendment.

The bill being then under consideration, Mr. Johnson moved to strike out the word "loan," in the third line of the first section, and insert in lieu thereof, the word "give;" which motion prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|-------------|---------------|-----------------|
| Mr. Ashman, | Mr. Cook, | Mr. LeBaron, |
| Mr. Bell, | Mr. Coleman, | Mr. McClelland, |
| Mr. Bird, | Mr. Foote, | Mr. Pierce, |
| Mr. Bush, | Mr. Forbes, | Mr. Sanborn, |
| Mr. Button, | Mr. Harbaugh, | Mr. Sprague, |

| | | | |
|---------------|--------------|----------------|----|
| Mr. Castle, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. Johnson, | Mr. Underwood, | |
| Mr. Champlin, | Mr. Larue, | Mr. Walker, | 24 |

NAYS.

| | | | |
|--------------|---------------|---------------|----|
| Mr. Carr, | Mr. McDonald, | Mr. Stockton, | |
| Mr. Gregory, | Mr. Miller, | Mr. Turner, | |
| Mr. Hammond, | Mr. Moran, | Mr. Speaker, | |
| Mr. Hart, | Mr. Renwick, | | 11 |

On motion of Mr. McClelland,

The House re-considered the vote just taken upon the amendment offered by Mr. Johnson.

The question then recurring upon Mr. Johnson's motion, it did not prevail.

The bill was then ordered to a third reading by the following vote:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Dunham, | Mr. McDonald, | |
| Mr. Backus, | Mr. Forbes, | Mr. Moran, | |
| Mr. Bell, | Mr. Gregory, | Mr. Pierce, | |
| Mr. Bird, | Mr. Hammond, | Mr. Renwick, | |
| Mr. Bush, | Mr. Hart, | Mr. Stockton, | |
| Mr. Carr, | Mr. Harbaugh, | Mr. Turner, | |
| Mr. Castle, | Mr. Larue, | Mr. Underwood, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Walker, | |
| Mr. Cook, | Mr. McClelland, | | 28 |

NAYS.

| | | | |
|---------------|--------------|--------------|---|
| Mr. Barbour, | Mr. Ingalls, | Mr. Sprague, | |
| Mr. Button, | Mr. Johnson, | Mr. Speaker, | |
| Mr. Cathcart, | Mr. Sanborn, | | 8 |

Mr. Champlin moved to suspend the rule in order to put the bill upon its final passage, and two-thirds of the members present not voting in the affirmative, the rule was not suspended, as follows:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Hammond, | Mr. Miller, | |
| Mr. Bell, | Mr. Hart, | Mr. Moran, | |
| Mr. Bird, | Mr. Harbaugh, | Mr. Stockton, | |
| Mr. Carr, | Mr. Larue, | Mr. Turner, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, | |
| Mr. Cook, | Mr. McClelland, | Mr. Walker, | |
| Mr. Dunham, | Mr. McDonald, | Mr. Williams, | 21 |

NAYS.

| | | |
|---------------|--------------|--------------|
| Mr. Backus, | Mr. Foote, | Mr. Pierce, |
| Mr. Barbour, | Mr. Forbes, | Mr. Renwick, |
| Mr. Button, | Mr. Gregory, | Mr. Sanborn, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Speaker, |

15

Mr. Renwick, from the committee on ways and means, reported back without amendment, Senate bill number seventy-two "for the improvement of the state salt springs," and the same was committed to the committee of the whole.

On motion of Mr. Bell,

The House took up the bill (the committee of the whole having been discharged therefrom,) "for the improvement of the state salt springs," and the bill was then ordered to a third reading.

On motion of Mr. Bell, the rule was suspended, the bill read the third time and passed.

The Chair announced the following special message from the Executive:

To the Senate and House of Representatives:

GENTLEMEN—Circumstances connected with the present condition of the Michigan militia, seem to me to render it expedient that a new appointment be made of a brigadier general of the fifteenth brigade, of the eighth division. A difficulty seems to have existed as to the respective claims of two gentlemen for the same office; both seem to have been commissioned for the same command, and by commissions issued within a short time of each other. Some irregularity and misapprehension seems to have existed relative to the matter, the consequences of which are very unfavorable to the character and efficiency of the militia, especially of that brigade. Under these circumstances I have supposed it expedient to vacate both commissions and to nominate to both branches of the Legislature in joint convention met, another person.

I have also supposed that the good of the service requires that new appointments be made of judge advocate general and quartermaster general.

If it be the pleasure of both branches of the Legislature to

receive and act upon such nominations, I submit it to the consideration of the Legislature, whether it suit their convenience to receive those nominations at such time as they may appoint for receiving the nomination of a person to be acting commissioner of internal improvement.

WILLIAM WOODBRIDGE.

Executive Office, March 27, 1840.

And the same was ordered to lie upon the table.

Also, the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Friday, March 27, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to transmit to the House of Representatives, a "Joint resolution relative to the meeting of the two Houses in joint convention, on Monday, the 30th instant, at 11 o'clock, A. M.," and inform you respectfully, that the Senate have passed the same, in which the concurrence of the House is respectfully requested.

Also, to return with the concurrence of the Senate, the "Bill to organize certain townships, and for other purposes."

The "Bill to amend 'An act relative to trunks and baggage, and other unclaimed personal property,' approved April 16, 1839."

The "Bill granting certain powers to the joint owners of burial grounds."

The "Bill to incorporate the Adrian young men's literary association."

I am further instructed to return the following bills, which have been passed by the Senate with sundry amendments, in which the concurrence of the House is respectfully requested: the "Bill relative to the election of justices of the peace in the township of Monroe."

And the "Bill amendatory to an act entitled 'An act to incorporate the Macomb and Saginaw railroad company, and for other purposes.'"

Also, to return to the House, the "Bill to provide for the

appointment of inspectors of domestic distilled spirits, and for other purposes," which was lost in the Senate.

Also, to return the "Joint resolution relative to the appointment of commissioners to release certain lands to settlers thereon," and to inform the House that the Senate have not concurred in the amendment made thereto by the House.

Further, I am instructed to inform you, that agreeably to the request of the House, the Senate have appointed the following committees of conference on the "Bill to abolish the office of county commissioners and to substitute therefor a board of supervisors," Messrs. Witherell, Summers and Adam.

On the "Bill concerning officers of courts of record," Messrs. Drake, Greenly and Rice.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Renwick,

The "Joint resolution relative to the meeting of the two Houses in joint convention," was amended by inserting Saturday, the 28th inst., and

On motion of Mr. Harbaugh,

The said resolution was further amended by adding the following: "and also, for receiving and acting upon any other nominations the Governor may choose to make to the convention."

And the House concurred in the amendments made by the Senate to the "Bill relative to the election of justices of the peace in the township of Monroe, and for other purposes," also to the amendments made to the "Bill amendatory to an act entitled 'An act to incorporate the Macomb and Saginaw railroad company, and for other purposes,'" and severally passed the same as amended.

On motion of Mr. Bell,

The House insisted upon their amendment made to the resolution "relative to the appointment of commissioners to release certain lands to the settlers thereon," and on his motion, a committee of conference was appointed thereon, consisting of Messrs. Bell, Gregory and Pierce.

Mr. McClelland presented the claim of Alexander D. Frazer, Esq., for professional services. Referred to the committee on claims.

On motion of Mr. Ingalls, the House adjourned.

Saturday, March 28, 1840.

The House met pursuant to adjournment.

On calling the roll the members were all present, except those absent on leave.

The House took up for a third reading the "Bill to authorize the board of commissioners of internal improvement, to loan to the Monroe and Ypsilanti railroad company, a certain amount of railroad iron."

And the bill was then read the third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. Moran, |
| Mr. Bird, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Carr, | Mr. Hart, | Mr. Stockton, |
| Mr. Castle, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Champlin, | Mr. McClelland, | Mr. Turner, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |

18

NAYS.

| | | |
|---------------|--------------|--------------|
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Coleman, | Mr. Johnson, | Mr. Steele, |
| Mr. Foote, | Mr. Miller, | Mr. Walker, |
| Mr. Forbes, | Mr. Newton, | Mr. Speaker, |

15

On motion of Mr. McReynolds,

The committee of the whole were discharged from the "Bill to repeal an act, entitled 'An act to regulate the terms of the supreme and circuit courts;'" and on his motion, the House took up the same for consideration. The question being upon ordering the bill to a third reading,

Mr. Hammond moved to lay the same upon the table; which was negatived, by the following vote:

YEAS.

| | | |
|--------------|--------------|----------------|
| Mr. Barbour, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bell, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Bush, | Mr. Newton, | Mr. Underwood, |
| Mr. Castle, | Mr. Sanborn, | Mr. Walker, |
| Mr. Fuller, | | |

18

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Button, | Mr. Johnson, | Mr. Sprague, |
| Mr. Carr, | Mr. Larue, | Mr. Steele, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. McClelland, | Mr. Williams, |
| Mr. Coleman, | Mr. Miller, | Mr. Speaker, |
| Mr. Gregory, | Mr. Moran, | |

23

And the bill was then ordered to a third reading, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Dunham, | Mr. McDonald, |
| Mr. Bell, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hammond, | Mr. Pierce, |
| Mr. Button, | Mr. Hart, | Mr. Sprague, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Steele, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Stockton, |
| Mr. Champlin, | Mr. Larue, | Mr. Williams, |
| Mr. Coleman, | Mr. McClelland, | |

23

NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Ingalls, | Mr. Tucker, |
| Mr. Castle, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. Lathrop, | Mr. Walker, |
| Mr. Foote, | Mr. Newton, | Mr. Speaker, |
| Mr. Forbes, | Mr. Renwick, | |

17

On motion of Mr. Harbaugh,

The House took up from the table, Senate bill number fifty-nine, "relative to primary schools in the city of Detroit."

The question being upon concurring in the amendments made in committee of the whole to the said bill, the same were adopted.

Mr. Harbaugh moved to further amend said bill, by restoring the fourth section as it originally stood in said bill; pending which, Mr. Lathrop was called to the chair.

Mr. McReynolds moved to amend Mr. Harbaugh's motion, by striking out all of the fourth section after the word "city," in the fifth line; which motion did not prevail.

The question recurring upon inserting the fourth section,

Mr. Fuller moved to amend the amendment by striking out in the fifth line, the words "shall not," and insert in lieu thereof, the words "may be;" which motion did not prevail.

The question recurring upon the adoption of the fourth section as it originally stood in the bill, the same prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|---------------|
| Mr. Ashman, | Mr. Foote, | Mr. Newton, |
| Mr. Backus, | Mr. Forbes, | Mr. Sanborn, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Stockton, |
| Mr. Bird, | Mr. Larue, | Mr. Tucker, |
| Mr. Bush, | Mr. LaBaron, | Mr. Turner, |
| Mr. Champlin, | Mr. Miller, | Mr. Williams, |
| Mr. Cook, | Mr. Moran, | Mr. Speaker, |

21

NAYS.

| | | |
|---------------|--------------|-----------------|
| Mr. Carr, | Mr. Gregory, | Mr. McDonald, |
| Mr. Cathcart, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Coleman, | Mr. Hart, | Mr. Pierce, |
| Mr. Fuller, | Mr. Ingalls, | Mr. Sprague, |

22

The Speaker resumed the chair.

Mr. McReynolds moved to amend said bill by offering the following to stand as section six:

"Sec. 6. It shall be lawful for the school inspectors of the township of Detroit, and they are hereby required to appropriate to the support of a school in said city under the care of the pastor of Trinity church, a proportion of the common school moneys, payable from time to time in the city of Detroit, which proportion will be pro rata with the number of scholars which said school may have in attendance between the ages of five and seventeen years.

Mr. Lathrop moved to amend the amendment by adding the following: "and it shall be lawful for any portion of the people, in any school district or districts in this state, to employ any competent person to teach the children of such persons, and it shall be the duty of the school inspectors of the several

districts to apportion the common school fund in pro rata with the number of scholars on the list of said school between the ages of five and seventeen years;" which was adopted.

The question recurring upon Mr. McReynold's motion, it was lost, by the following vote:

YEAS.

Mr. Ashman,
Mr. Moran,

Mr. McReynolds, Mr. Turner,

4

NAYS.

Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Cook,
Mr. Coleman,
Mr. Foote,
Mr. Forbes,

Mr. Fuller,
Mr. Gregory,
Mr. Hammond,
Mr. Hart,
Mr. Harbaugh,
Mr. Ingalls,
Mr. Johnson,
Mr. Larue,
Mr. LeBaron,
Mr. Lathrop,
Mr. McDonald,

Mr. Miller,
Mr. Newton,
Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Sprague,
Mr. Steele,
Mr. Stockton,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

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Mr. Lathrop moved to further amend said bill by striking out the first, second, third, fifth and sixth sections; pending which,

On motion of Mr. Hammond, the whole subject was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Saturday, March 28, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform the House of Representatives that they have concurred in the first amendment made by the honorable the House, to the "Joint resolution relative to the meeting of the two Houses in joint convention," and that they have non-concurred in the second amendment made thereto.

I am also instructed respectfully to inform you that agreeably to the request of the House, the Senate have appointed a committee of conference on their part, consisting of Messrs.

Hawkins, Adam and Witherell, to act with the one on behalf of the House, relative to the existing disagreement of the two branches on the "resolution respecting the separate action of both houses of the Legislature on the nominations of commissioners to appraise certain lands therein named."

Also, to return to the House, the "Bill supplementary to an act to amend 'An act to provide for the government and discipline of the state prison,' approved March 25, 1840," which they have passed with an amendment, and respectfully ask the concurrence of the House therein.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Bell,

The House receded from the second amendment made by the House to the "Joint resolution relative to the meeting of both houses in joint convention.

The "Bill supplementary to an act to amend 'An act to provide for the government and discipline of the state prison,'" was ordered to lie upon the table.

On motion of Mr. McReynolds,

A call of the House was ordered; the roll being called, there were absent without leave, Messrs. Axford, Backus, Button, Cathcart, Dunham, Forbes, LeBaron, McClelland, Spencer, Tucker and Underwood.

Mr. McDonald asked for and obtained leave of absence for Mr. Axford.

On motion of Mr. McReynolds, the sergeant-at-arms was directed to bring in the absentees, and

On motion of Mr. Champlin, the further proceedings under the call were dispensed with.

On motion of Mr. Champlin,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of directing the State Treasurer to credit certain money to the internal improvement fund; also, to the propriety of directing the Treasurer to receive certain uncurrent funds now in the hands of said board of internal improvement.

Mr. Harbaugh, on leave, presented the claim of Charles H. Stewart, which was referred to the committee on claims.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Friday, March 27, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return herewith, a "Bill concerning bail in criminal cases."

And a "Bill to provide for the laying out and establishing certain state roads;" both of which the Senate have passed, with amendments, and respectfully ask the concurrence of the House of Representatives therein.

Also, to transmit a "Bill to provide for the further construction of certain works of internal improvement;" which the Senate have passed, and respectfully ask the concurrence of the House in the same.

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the amendments made by the Senate to the "Bill concerning bail in criminal cases."

Also, to the "Bill to provide for the laying out and establishing certain state roads," and severally passed the same, as amended.

The "Bill to provide for the further construction of certain works of internal improvement," was twice read and referred to the committee on ways and means.

On motion of Mr. Lathrop,

A committee of two was appointed to wait upon the Senate and inform them that the House is now ready to meet them in joint convention.

The Chair announced as such committee, Messrs. Lathrop and Stockton.

After a short absence, the committee reported, through Mr. Lathrop, their chairman, that they had discharged the duty assigned them.

The Chair announced a committee from the Senate, inform-

ing the House that the Senate were now ready to meet the House in joint convention.

The Chair announced that the select committee appointed on the part of the House to inform the Senate that the House was ready to meet them in joint convention, would conduct the Senators to their seats in the hall of the House of Representatives.

JOINT CONVENTION.

The President of the Senate took the chair, assisted by the Speaker of the House of Representatives, and called the convention to order.

The rolls being called, the Senators were all present.

Representatives all present, except Messrs. Davis, Howard, Kenny and Mulhollan, absent on leave.

On motion of Mr. Gidley,

A committee of two, consisting of Senator Gidley and Mr. Fuller, of the House of Representatives, were appointed by the Chair, to wait upon his Excellency the Governor, and inform him that the convention had assembled and was now ready to receive the nomination of a commissioner of internal improvement.

After a short absence, the committee informed the convention that they had discharged the duty assigned them, and reported that the Executive would make a nomination to the convention, forthwith.

The President announced the following message from the Executive, by his private Secretary, Langley Bruce:

To the Senate and House of Representatives, in Joint Convention met:

I hereby nominate John Van Fossen, of Washtenaw, to be acting commissioner, under the act "for the regulation of internal improvement."

WILLIAM WOODBRIDGE.

Executive Office, March 28, 1840.

On motion of Mr. Fuller, of the House of Representatives, the sergeant-at-arms was directed to procure the attendance of Mr. Kenny. Mr. Kenny having appeared and taken his seat,

On motion of Mr. Witherell, further proceedings under the call were dispensed with.

The vote being taken on advising and consenting to the nomination of John Van Fossen, (as per above message from the Executive,) the same was advised and consented to, by the following vote:

Senators.

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Drake, | Mr. LeRoy, | Mr. Rice, |
| Mr. Edmunds, | Mr. McCamly, | Mr. Summers, |
| Mr. Gidley, | Mr. Murphy, | Mr. Trowbridge, |
| Mr. Jones, | | |

10

NAYS.

| | | |
|----------------|--------------|----------------|
| Mr. Adam, | Mr. Greenly, | Mr. Lacey, |
| Mr. Bridge, | Mr. Hawkins, | Mr. Witherell, |
| Mr. Etheridge, | | |

7

Representatives.

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. McReynolds, |
| Mr. Axford, | Mr. Forbes, | Mr. Newton, |
| Mr. Backus, | Mr. Fuller, | Mr. Pierce, |
| Mr. Barbour, | Mr. Gregory, | Mr. Renwick, |
| Mr. Bird, | Mr. Hart, | Mr. Sanborn, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Button, | Mr. Johnson, | Mr. Stockton, |
| Mr. Carr, | Mr. Larue, | Mr. Tucker, |
| Mr. Castle, | Mr. Lathrop, | Mr. Walker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Williams, |
| Mr. Cook, | Mr. Miller, | Mr. Speaker, |
| Mr. Coleman, | | |

24

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Bush, | Mr. Kenny, | Mr. Steele, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Turner, |
| Mr. Dunham, | Mr. McClelland, | Mr. Underwood, |
| Mr. Hammond, | Mr. Moran, | |

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On motion of Senator Witherell, the convention adjourned, *sine die*.

DAN W. KELLOGG,
Secretary of the Senate.

MARK HOWARD,
Clerk of House of Representatives.

The Honorable Senate having retired,

The Speaker called the House to order, and announced that the joint convention had advised and consented to the nomination of John Van Fossen, of Washtenaw, as acting commissioner of internal improvement, and

On motion of Mr. Lathrop, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment;

And on calling the roll, there were absent without leave, Messrs. Button, Bush and Dunham.

The House took up the Senate substitute for House bill "to amend an act supplementary to 'An act to provide for the government and discipline of the state prison,' approved March 25, 1840."

Mr. Lathrop moved to amend the same by inserting "sixty-two" after "forty-three," where the same occurs in the first section of said substitute; which amendment was adopted and the bill passed accordingly.

Mr. Barbour, from the committee on claims, reported a "Bill to provide for certain claims therein named;" which was read the first and second times and referred to the committee of the whole.

On motion of Mr. Lathrop,

The House resolved itself into committee of the whole, on the "Bill to provide for the classification of lands selected by the state of Michigan, for university and state building purposes, to reduce the price thereof, and for other purposes;" Mr. Larue in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment.

The bill then being under consideration,

Mr. Turner moved to strike out all after the enacting clause of said bill, which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Forbes, | Mr. Pierce, |
| Mr. Barbour, | Mr. Gregory, | Mr. Renwick, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Turner, |
| Mr. Champlin, | Mr. McDonald, | Mr. Underwood, |
| Mr. Cook, | Mr. McReynolds, | Mr. Speaker, |

18

NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bird, | Mr. Ingalls, | Mr. Steele, |
| Mr. Cathcart, | Mr. Larue, | Mr. Stockton, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Foote, | Mr. Miller, | Mr. Williams, |
| Mr. Fuller, | | |

19

On motion of Mr. Barbour, the bill was laid upon the table, by the following vote:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Backus, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Barbour, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Larue, | Mr. Sprague, |
| Mr. Castle, | Mr. Lathrop, | Mr. Turner, |
| Mr. Cook, | Mr. McDonald, | Mr. Underwood, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Gregory, | Mr. Pierce, | |

20

NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Ashman, | Mr. Foote, | Mr. Newton, |
| Mr. Bell, | Mr. Fuller, | Mr. Steele, |
| Mr. Bird, | Mr. Hammond, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Hart, | Mr. Tucker, |
| Mr. Champlin, | Mr. Ingalls, | Mr. Williams, |
| Mr. Coleman, | Mr. Miller, | |

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Mr. Turner offered another document purporting to be a "Protest against an act of the House of Representatives of Thursday, March 5th, 1840," by which act his substitute for the "Bill to authorize the anticipation of certain instalments of the five million loan," was not entered upon the journal of that day of the House of Representatives.

Mr. Turner then moved that this "protest" be entered upon the journal.

Mr. Tucker moved to amend the motion, so that it lie upon the table; which motion prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Backus, | Mr. Coleman, | Mr. Miller, |
| Mr. Barbour, | Mr. Foote, | Mr. Newton, |
| Mr. Bird, | Mr. Gregory, | Mr. Pierce, |
| Mr. Carr, | Mr. Hart, | Mr. Renwick, |
| Mr. Castle, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Champlin, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Speaker, |

21

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Bush, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Moran, | Mr. Williams, |
| Mr. Fuller, | | |

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The House excused Mr. Turner from voting on this question.

The Chair announced the following message from the Executive:

To the House of Representatives :

I have this day approved, signed and deposited in the office of the Secretary of State:

An act, entitled "An act in relation to the Michigan state bank."

Also, an act, entitled "An act to provide for the publication of a map of the state of Michigan, and of the counties therein."

Also, an act, entitled "An act to regulate the salary of Governor, and for other purposes."

Also, an act, entitled "An act relative to proceedings in chancery."

Also, an act, entitled "An act to abolish certain offices, and for other purposes."

Also, an act, entitled "An act to amend 'An act to provide for the safe-keeping and management of the state library.'"

Also, an act, entitled "An act to alter the boundaries of the township of Cottrelville."

Also, an act, entitled "An act to change the name of the first Presbyterian church and society of the village of Adrian."

I also approved, signed and deposited in the office of the

Secretary of State, on the 27th instant, a joint resolution, entitled "A joint resolution relative to the interference of United States troops with the construction of the ship canal around the falls of Sault de Ste Marie," approved March 28, 1840.

WILLIAM WOODBRIDGE.

Executive Office, March 28, 1840.

Also, the following from the Executive:

To the House of Representatives:

I herewith transmit a report from the librarian, "concerning certain disbursements," &c.

As I propose this day to sign the bill transferring the custody of the state library to the Secretary of State, I deemed it my duty, previously, to transmit these papers. They have been for some time in my hands, but until recently, I had not been requested to present them.

WILLIAM WOODBRIDGE.

Executive Office, March 28, 1840.

Which, with the accompanying documents, were referred to the committee on the library.

(See House Document No. 68.)

The Chair also announced a special message from the Executive, "relative to the election of members to Congress," which, together with the accompanying documents, were referred to the committee on the judiciary.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Saturday, March 28, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform you respectfully that the Senate have concurred in the amendments, and adopted the report of the committee of conference on the "Bill to prescribe the powers and duties of justices of the peace in civil proceedings," and passed the bill accordingly.

Also, to inform you that the Senate have concurred in the House amendments to the "Bill to authorize the Treasurer of the State to take further security for the five million loan."

I am also instructed to transmit a "Bill in addition to an 'Act to organize the militia,'" which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

The "Bill in addition to an 'Act to organize the militia,'" was twice read and referred to the committee on the militia.

Mr. McClelland, from the committee of conference on the part of the House, on the "Bill to prescribe the powers and duties of justices of the peace in civil proceedings," made a report thereon, which was adopted, and the bill passed accordingly.

Mr. McClelland upon unanimous consent, introduced a bill entitled a "Bill relative to justices of the peace," which was twice read and referred to the committee of the whole.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act to organize certain townships."

Also, "An act to provide for the payment of the amounts due the several counties on account of delinquent taxes."

Also, "An act to amend 'An act relative to trunks and baggage, and other unclaimed personal property,' approved, April 16, 1839."

Also, "An act to incorporate the Lake Superior fishing and mining company."

Also, "An act amendatory to an act entitled 'An act to incorporate the Macomb and Saginaw railroad company, and for other purposes.'"

On motion of Mr. McClelland,

The committee of the whole were discharged from the "Bill relative to justices of the peace," and on his motion, the same was taken up by the House for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Pierce, the rule was suspended, the bill read the third time and passed.

On motion of Mr. LeBaron,

The committee of the whole were discharged from the "Bill

to amend the revised statutes, and acts amendatory thereto, in reference to taverns and other licensed houses," and on his motion, the same was taken up by the House for consideration, and the House adopted the report of the select committee on the said bill, and the same was then ordered to a third reading.

On motion of Mr. LeBaron, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Renwick,

A select committee of three was appointed to superintend the enrolment of the "Bill to prescribe the powers and duties of justices of the peace in civil proceedings," consisting of Messrs. Renwick, McClelland and Backus.

On motion, the House adjourned.

Monday, March 30, 1840.

The House met pursuant to adjournment.

On calling the roll there was absent without leave, Mr. Fuller.

The House took up for a third reading the "Bill relative to the Auditor General and State Treasurer, and the offices of both."

On motion of Mr. McClelland, the bill was laid upon the table; and

On motion of Mr. Hammond,

The said bill was again taken up and referred to a select committee of three, consisting of Messrs. Hammond, LeBaron and Turner.

On motion of Mr. McClelland,

The House resolved itself into committee of the whole on the "Bill to amend the act entitled 'An act to abolish imprisonment for debt and to punish fraudulent debtors, and for other purposes;'" Mr. Champlin in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment.

The bill was then ordered to a third reading.

On motion of Mr. Champlin,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Miller,

The House took up the "Joint resolution for the relief of Benjamin Drake;" which was then ordered to a third reading.

On motion of Mr. Miller,

The rule was suspended and the resolution read the third time and passed.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Monday, March 30, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit a "Bill to authorize the employment and payment of a clerk in the office of the Secretary of State," which the Senate have passed, and respectfully ask the concurrence of the House therein.

Also, to return, with the concurrence of the Senate therein, the "Bill supplementary to 'An act to provide for the government and discipline of the state prison;'" and

The "Bill to provide for a settlement with the River Raisin and Lake Erie railroad company," &c.;

And also, to return with amendments, the "Joint resolution relative to the adjournment of the Legislature;" and

The "Bill to exempt grain while growing, &c., from sale under execution."

The concurrence of the House in said amendments is respectfully requested.

D. W. KELLOGG,

Secretary of the Senate,

And the "Bill authorizing the employment and payment of a clerk in the office of the Secretary of State," was twice read and referred to the committee on the judiciary; and

The House concurred in the amendment made by the Senate to the resolution "relative to the adjournment of the Legislature," and passed the same, as amended.

The "Bill to exempt grain while growing, and other unhar-

vested crops from sale under execution," being under consideration,

On motion of Mr. McClelland, the same was laid upon the table.

Mr. Turner moved that the House take up from the table the enacting clause of House bill number one hundred and twenty-four, "to provide for releasing to the counties of Michilimackinac and Chippewa, their proportion of state tax for the years 1840 and 1841;" which motion did not prevail.

On motion of Mr. LeBaron,

The House resolved itself into committee of the whole, on Senate bill number forty-seven, "to provide for a settlement with the Ypsilanti and Tecumseh railroad company;" Mr. Champlin in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment.

The bill being then under consideration,

Mr. Sprague moved to amend the same by striking out all after the enacting clause.

Mr. Champlin moved to amend the amendment by inserting the following section between the fourth and fifth sections of said bill:

"Sec. 5. The commissioners appointed by the first section of this act shall be, and are hereby further authorized to appraise and allow all damages sustained by said company in consequence of the non-payment by the state, of a loan made to said company according to the act authorizing a loan of one hundred thousand dollars, passed April 6, 1838, and in case said commissioners shall so determine to appraise and allow demands as aforesaid, there shall be and is hereby appropriated out of the internal improvement fund, a sum sufficient to pay said damages, together with the balance of the loan due to said company at the time of said appraisal."

Pending which, on motion of Mr. Castle,

The bill and amendments were committed to the committee on the judiciary, with instructions to report the same back to the House this afternoon.

Mr. Champlin, from the committee on internal improvement, to whom was referred a resolution of inquiry, reported the following joint resolution relative thereto:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement are required to place in the hands of the Treasurer of the State, all uncurrent funds, now in their hands and belonging to the state.

Also, the Treasurer of the State is hereby required to credit the internal improvement fund with the amount of any moneys paid from said fund for expenses of running the cars on Central railroad.

The resolution was read the first and second times, and referred to the committee of the whole.

On motion of Mr. Renwick,

The committee of the whole were discharged from the resolution requiring the board of internal improvement to deposite with the Treasurer, all uncurrent funds and authorizing the State Treasurer to place the same to the credit of the internal improvement fund; and on his motion, the same was taken up by the House and ordered to a third reading.

On motion of Mr. Renwick,

The committee of the whole were discharged from the Senate bill "to lay out and establish a state road from Battle Creek to Grandville, in the county of Kent;" and on his motion, the same was taken up by the House for consideration.

On motion of Mr. Champlin, the said bill was laid upon the table.

On motion of Mr. McReynolds,

The House took up the "Bill to amend an act entitled 'An act to regulate the terms of the supreme and circuit courts, and for other purposes,'" and the question being upon the third reading of the bill, after much debate,

On motion of Mr. Bell, the bill was re-committed to the committee of the whole.

On motion of Mr. Barbour, the House adjourned.

Afternoon Session.

The House met at half-past two o'clock, pursuant to adjournment, and on calling the roll, the members were present as in the morning.

On motion of Mr. Bell,

The House resolved itself into committee of the whole, on the "Bill to amend an act, entitled 'An act to regulate the terms of the supreme and circuit courts;'" Mr. Tucker in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House with sundry amendments; which were concurred in.

Mr. Spencer moved to further amend said bill by adding after the word "courts," the words following: "to be approved by the county commissioners, or a majority of them."

Mr. Williams moved to amend the amendment, by inserting "judges" in lieu of "commissioners;" which motion was lost.

The question recurring upon Mr. Spencer's motion, the same prevailed.

The bill was then ordered to a third reading.

On motion of Mr. Hammond, the rule was suspended, the bill read the third time and passed.

The title then being under consideration, Mr. Bell moved to amend the same by striking out the word "amend," and insert in lieu thereof, the word "supplementary;" which motion prevailed.

The title, as amended, was then adopted.

On motion of Mr. Larue,

The House took up for consideration the Senate bill "to lay out and establish a state road from Battle Creek to Grandville, in the county of Kent."

Mr. Larue moved to amend the same, by striking out the second and third sections, and substituting the following therefor:

"Sec. 2. That Daniel Olds, jun., David S. Restor and Job Brookfield be, and they are hereby appointed commissioners to lay out and establish a state road, commencing at some point at or near the north bank of the river St. Joseph, in the vicini-

ty of the village of St. Joseph, in the county of Berrien; thence in a south-easterly direction, on the most eligible route, to the village of Niles, in said county."

"Sec. 3. The state shall not be liable for any expense incurred, or damage sustained by reason of this act; and in case any of the roads mentioned in the preceding sections of this act, shall not be surveyed and laid out in two years from the passage of this act, the provisions herein contained, shall be void so far as regards such roads respectively."

Which motion prevailed, and the bill was then ordered to a third reading.

On motion of Mr. Larue, the rule was suspended, the bill read the third time and passed.

The title of said bill being under consideration,

On motion of Mr. Larue, the following was substituted therefor: "A bill to lay out and establish certain roads;" and the title, as amended, was adopted.

Mr. Backus obtained the unanimous consent, of the House to introduce a "Bill to amend chapter three, part one, title two of the revised statutes, concerning the oath of electors;" which was read, referred to the committee of the whole, and placed upon the general order; and,

On motion of Mr. Backus, the committee of the whole was discharged from said bill, and the same was taken up for consideration.

The bill was ordered to a third reading.

On motion of Mr. Backus, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Bush,

The House took up for consideration the "Bill to amend part one, title five, chapter eight of the revised statutes 'relative to specific state taxes.'"

On motion of Mr. Hammond,

The bill was referred to the committee of the whole; and on his motion,

The House resolved itself into committee of the whole on said bill; Mr. LeBaron in the chair.

After spending some time thereon, the committee rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Hammond,

The committee of the whole were discharged from said bill, and on his motion, the same was laid upon the table.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Monday, March 30, 1840. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit herewith, a "Bill relative to the sale of real and personal estate."

A "Bill to prevent the destruction of woodcocks and quails;" &c.;

And the "Bill to authorize the several counties of the state to effect insurance on county buildings;"

And a "Bill relating to the conveyance of real estate;"

And a "Bill to amend an act entitled 'An act to incorporate the city of Monroe,' " approved March 22, 1837;

And also, a "Joint resolution in relation to authorizing the Secretary of State to contract for wood;"

And a "Joint resolution in relation to authorizing the Attorney General to institute proceedings against the bank of Manhattan;"

All of which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

I am further instructed to return herewith, the "Bill to amend an act entitled 'An act relative to highways,'" which the Senate have passed without amendment.

Also, to return the preamble and resolutions for "An appropriation for the protection of the frontier," with amendments.

And the bill in relation "to the powers of county commissioners," with an amendment to the House amendment, which amendments, to each respectively, the concurrence of the House of Representatives is respectfully requested.

Also, I am directed by the Senate, to inform you respectfully, that the "Bill amendatory of the revised statutes, and acts

amendatory thereto, relative to taverns and other licensed houses," was lost in the Senate.

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill relative to the sale of real and personal estate;" was twice read and referred to the committee on the judiciary.

And the following bills, to wit: "to prevent the destruction of woodcocks, quails," &c.

And the "Bill to authorize the several counties of the state, to effect insurance on county buildings;"

And the "Bill relating to real estate;"

And the "Bill to amend an act entitled 'An act to incorporate the city of Monroe,' approved March 22, 1837;"

And the "Joint resolution authorizing the Secretary of State to contract for wood;"

And the "Joint resolution authorizing the Attorney General to institute proceedings against the bank of Manhattan;" were severally twice read, and referred to the committee of the whole.

And the House concurred in the amendments made by the Senate to the "Bill in relation to the powers of county commissioners," and passed the same as amended.

On motion of Mr. Hammond,

The House went into committee of the whole on Senate bill number eighty-two, "relative to the sale of real and personal estate;" Mr. McReynolds in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment; the bill being then under consideration,

Mr. McClelland moved to amend said bill by striking out all of that part relating to real estate.

Mr. Gregory moved to amend the amendment by striking out all after the enacting clause; which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Backus,
Mr. Bird,

Mr. Gregory,
Mr. Hart,

Mr. Renwick,
Mr. Sanborn,

| | | |
|---------------|--------------|----------------|
| Mr. Bush, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Steele, |
| Mr. Cook, | Mr. Kenny, | Mr. Turner, |
| Mr. Coleman, | Mr. Miller, | Mr. Underwood, |
| Mr. Foote, | Mr. Moran, | Mr. Walker, |
| Mr. Forbes, | Mr. Pierce, | Mr. Speaker, |
| Mr. Fuller, | | |

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NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Barbour, | Mr. Hammond, | Mr. McClelland, |
| Mr. Carr, | Mr. Harbaugh, | Mr. McDonald, |
| Mr. Castle, | Mr. Larue, | Mr. McReynolds, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Dunham, | Mr. Lathrop, | Mr. Williams, |

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On motion of Mr. Underwood,

The further consideration of the enacting clause of said bill was indefinitely postponed.

Mr. Hammond, from the select committee to whom was referred for revision, the "Bill relative to the Auditor General and State Treasurer and the offices of both," reported the same back to the House, and the bill was referred to the committee of the whole.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the "Bill relative to the Auditor General and State Treasurer and to the offices of both;" and on his motion the same was taken up for consideration.

Mr. Hammond moved to amend the second section by striking out the word "two," and insert in lieu thereof, the word "three;" which motion prevailed.

Mr. McClelland moved to fill the blank in the first section with "eight hundred."

Mr. Ashman moved to amend the motion by inserting "one thousand."

On motion of Mr. Sprague,

The question was first taken on filling the blank with "one thousand," for the salary of the Auditor General, which prevailed, by the following vote:

YEAS.

| | | |
|-------------|--------------|--------------|
| Mr. Ashman, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Backus, | Mr. Larue, | Mr. Sprague, |

Mr. Barbour,
Mr. Castle,
Mr. Fuller,
Mr. Hart,
Mr. Harbaugh,

Mr. Lathrop,
Mr. Miller,
Mr. McReynolds,
Mr. Renwick,

Mr. Stockton,
Mr. Underwood,
Mr. Williams,
Mr. Speaker,

19

NAYS.

Mr. Bush,
Mr. Carr,
Mr. Cathcart,
Mr. Champlin,
Mr. Coleman,
Mr. Dunham,

Mr. Foote,
Mr. Gregory,
Mr. Hammond,
Mr. Ingalls,
Mr. LeBaron,
Mr. McClelland,

Mr. Moran,
Mr. Pierce,
Mr. Steele,
Mr. Turner,
Mr. Walker,

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The question then being taken upon filling the blank with "one thousand," for the salary of the State Treasurer, the same was negatived, by yeas and nays, as follows:

YEAS.

Mr. Ashman,
Mr. Harbaugh,
Mr. Johnson,

Mr. Lathrop,
Mr. Miller,

Mr. McReynolds,
Mr. Stockton,

7

NAYS.

Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Coleman,
Mr. Dunham,

Mr. Foote,
Mr. Fuller,
Mr. Gregory,
Mr. Hart,
Mr. Ingalls,
Mr. Larue,
Mr. LeBaron,
Mr. McClelland,
Mr. McDonald,
Mr. Moran,
Mr. Pierce,

Mr. Renwick,
Mr. Sanborn,
Mr. Sprague,
Mr. Steele,
Mr. Tucker,
Mr. Turner,
Mr. Underwood,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

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The question recurring upon filling the blank with "eight hundred," for the salary of the State Treasurer, the same prevailed.

Mr. Hammond moved to further amend said bill by adding the following at the end of the second section: "commencing with the 1st day of February last, if clerks have been employed from that time;" which amendment was adopted, and

On motion of Mr. Harbaugh, the bill was further amended by striking out the third section.

Mr. Hammond moved to further amend the bill in the fourth section by striking out the words "third section of this act,"

and inserting the following: "as is allowed by law;" which was adopted.

The bill was then ordered to a third reading.

On motion of Mr. Lathrop, the rule was suspended, the bill read the third time and passed.

Mr. Lathrop, from the committee on the state prison, reported a bill, entitled a "Bill making appropriations for continuing the building of the state prison, for the year 1840;" which was twice read, and referred to the committee of the whole.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Monday, March 30, 1840. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit herewith, a "Bill containing certain provisions concerning the city of Detroit," which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill containing certain provisions concerning the city of Detroit," was twice read, and referred to the committee of the whole.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State:

An act, entitled "An act for the relief of the county of Ottawa."

Also, an act, entitled "An act to amend 'An act to extend the time of payment for university and school lands.' "

Also, a memorial, entitled "Memorial to the honorable the Senate and House of Representatives of the United States in Congress assembled."

Also, an act, entitled "An act amendatory to an act, entitled

'An act to incorporate the Macomb and Saginaw railroad company, and for other purposes.' "

Also, an act, entitled "An act to organize certain townships, and for other purposes."

Also, an act, entitled "An act to amend 'An act relative to trunks and baggage, and other unclaimed personal property,' approved April 16, 1839."

Also, an act, entitled "An act to provide for the payment of the amount due the several counties on account of delinquent taxes."

WILLIAM WOODBRIDGE.

Executive Office, March 30, 1840.

Mr. Bell, from the committee on enrolment, reported as correctly enrolled, "An act supplementary to the act, entitled 'An act to provide for the government and discipline of the state prison,' approved March 25, 1840."

Mr. Bush, from the committee on enrolment, reported as correctly enrolled:

"An act relative to charges for railroad iron."

Also, "An act to provide for the foreclosure of mortgages by advertisement."

Also, "Joint resolutions relative to furnishing the Congressional library with certain documents."

On motion of Mr. LeBaron,

The committee of the whole were discharged from Senate resolution "authorizing the Attorney General to institute proceedings against the bank of Manhattan;" and on his motion, the same was taken up by the House for consideration; and,

On motion of Mr. Gregory, the said resolution was laid upon the table.

On motion of Mr. McClelland,

The committee of the whole were discharged from the Senate resolution "authorizing the Secretary of State to contract for wood;" and on his motion, the same was taken up by the House for consideration.

The resolution was then ordered to a third reading.

On motion of Mr. Harbaugh,

The rule was suspended, and the resolution read the third time and passed.

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled, "An act to incorporate the Adrian young men's literary association."

Also, "An act relative to the election of justices of the peace in the township of Monroe, and for other purposes."

Also, "An act concerning bail in criminal cases."

Also, "An act granting certain corporate powers to the joint owners of burial grounds."

On motion of Mr. Harbaugh,

The committee of the whole were discharged from the Senate bill "to amend an act entitled 'An act to incorporate the city of Monroe;'" and on his motion, the same was taken up by the House for consideration.

Mr. McClelland moved to indefinitely postpone the further consideration of said bill; which motion prevailed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bird, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Bush, | Mr. McClelland, | Mr. Tucker, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Turner, |
| Mr. Champlin, | Mr. Miller, | Mr. Underwood, |
| Mr. Coleman, | Mr. McReynolds, | Mr. Walker, |
| Mr. Dunham, | Mr. Sprague, | Mr. Speaker, |
| Mr. Hammond, | Mr. Steele, | |

20

NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Larue, |
| Mr. Backus, | Mr. Gregory, | Mr. LeBaron, |
| Mr. Barbour, | Mr. Hart, | Mr. Sanborn, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Castle, | Mr. Ingalls, | Mr. Williams, |
| Mr. Foote, | Mr. Johnson, | |

17

On motion of Mr. Lathrop,

The committee of the whole were discharged from Senate bill number seventy-nine, "to authorize the several counties of the state to effect insurance on county buildings;" and on his motion, the same was taken up by the House for consideration; which was then ordered to a third reading.

On motion of Mr. LeBaron,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Bush,

The committee of the whole were discharged from Senate bill number seventy-six, "to prevent the destruction of wood-cocks, quails," &c., and on his motion, the House took up the same for consideration.

Mr. Hammond moved to indefinitely postpone the further consideration of said bill; which was negatived, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|--------------|--------------|----|
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, | |
| Mr. Bush, | Mr. Hammond, | Mr. Spencer, | |
| Mr. Cathcart, | Mr. Hart, | Mr. Sprague, | |
| Mr. Coleman, | Mr. Johnson, | Mr. Tucker, | |
| Mr. Dunham, | Mr. Miller, | Mr. Turner, | |
| Mr. Foote, | Mr. Moran, | Mr. Speaker, | 18 |

NAYS.

| | | | |
|-------------|-----------------|-----------------|----|
| Mr. Ashman, | Mr. Harbaugh, | Mr. McReynolds, | |
| Mr. Backus, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Bell, | Mr. Larue, | Mr. Steele, | |
| Mr. Bird, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Carr, | Mr. Lathrop, | Mr. Underwood, | |
| Mr. Castle, | Mr. McClelland, | Mr. Walker, | |
| Mr. Fuller, | Mr. McDonald, | Mr. Williams, | 21 |

Mr. Bush moved to amend said bill in the first section, third line, by striking out the words "and state of Michigan."

Also, by striking out, in the fifth line in same section, the words "and state aforesaid;" which amendments were adopted, and the bill was then ordered to a third reading.

On motion of Mr. McReynolds,

The rule was suspended, the bill read the third time and passed.

The title of said bill being under consideration,

On motion of Mr. Bush,

The same was amended by striking out the words "and state of Michigan."

On motion of Mr. Lathrop,

The House resolved itself into committee of the whole on the "Bill making appropriations for continuing the building of the state prison, for 1840;" Mr. Sprague in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment, and,

On motion of Mr. Hammond, the bill was laid upon the table and ordered printed.

On motion of Mr. Renwick,

The committee of the whole were discharged from Senate bill number sixty-three, "relative to common schools and for the payment of the claim of Thomas Beals, and for other purposes," and on his motion the same was taken up by the House, and the House adopted the first and rejected the second and third amendments reported by the committee on education to said bill; and the bill was then ordered to a third reading.

On motion of Mr. McDonald, the rule was suspended, the bill read the third time and passed.

On motion of Mr. McClelland,

The committee of the whole was discharged from the "Bill relative to the fees of struck juries;" and the same was taken up for consideration, and ordered to a third reading.

On motion of Mr. McClelland, the rule was suspended, the bill read the third time and passed.

On motion of Mr. Hammond,

The committee of the whole was discharged from the "Joint resolution relative to the erection of a car house in Detroit, for the use of the Central railroad," and the same was taken up for consideration.

On motion of Mr. Hammond,

The same was amended by adding the following: "*Provided, That the corporation of the city of Detroit shall first consent to the erection of the same, without charge to the state for right of soil; and provided also, that the cost of said buildings shall not exceed eight thousand dollars, and the same shall be charged to the appropriation on the Central railroad.*"

The resolution was then ordered to a third reading.

On motion of Mr. Hammond, the rule was suspended, the resolution read the third time and passed.

Mr. Barbour, on leave, presented the claim of S. L. Rood,

for binding for the Legislature, and the same was referred to the committee on claims.

On motion of Mr. Hammond,

The committee of the whole was discharged from the "Bill for the further distribution of the revised statutes of the state of Michigan;" and the same was taken up for consideration.

Mr. Renwick moved to amend the bill by striking out in the second section "two dollars," and inserting in lieu thereof, "one dollar and fifty cents," which motion prevailed.

The bill was then ordered to a third reading.

On motion of Mr. Barbour, the rule was suspended, the bill read the third time and passed.

The title of said bill being under consideration,

On motion of Mr. Gregory,

The same was amended by adding "and for other purposes;" and the title as amended, was adopted.

Mr. McReynolds offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the members of the House from Mackinac and Chippewa be allowed thirty days extra pay each, for the present session of the Legislature.

And on his motion, the rule requiring all joint resolutions to lie on the table for one day, was suspended and the resolution was then read the third time and passed, by the following vote:

YEAS.

Mr. Backus,
Mr. Bell,
Mr. Bird,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Dunham,

Mr. Foote,
Mr. Fuller,
Mr. Hammond,
Mr. Harbaugh,
Mr. Johnson,
Mr. Larue,
Mr. McDonald,

Mr. Miller,
Mr. Moran,
Mr. McReynolds,
Mr. Sanborn,
Mr. Stockton,
Mr. Williams,

20

NAYS.

Mr. Bush,
Mr. Champlin,
Mr. Forbes,
Mr. Gregory,
Mr. Ingalls,

Mr. LeBaron,
Mr. Lathrop,
Mr. McClelland,
Mr. Pierce,
Mr. Renwick,

Mr. Sprague,
Mr. Steele,
Mr. Underwood,
Mr. Walker,
Mr. Speaker,

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On motion of Mr. Renwick,

The House took up for consideration the joint resolutions reported by the select committee appointed to inquire into the situation of the forty thousand dollars appropriated for building the state prison.

Mr. Hammond moved to amend the second resolution by inserting after the words "Auditor General," the words "Attorney General and Treasurer;" which motion prevailed.

And the resolutions were then read the third time and passed.

On motion of Mr. Miller,

The House re-considered its vote on indefinitely postponing the further consideration of the Senate bill to "amend an act entitled 'An act to incorporate the city of Monroe,' approved March 22, 1837."

And the question recurring upon indefinitely postponing the further consideration of said bill,

On motion of Mr. Miller, the bill was laid upon the table.

On motion of Mr. Sanborn,

The House re-considered its vote on the passing of the "Joint resolution making extra allowances to the members of the Legislature from the counties of Mackinac and Chippewa."

And the question recurring upon the passage of the resolution,

On motion of Mr. Pierce, the same was laid upon the table.

Mr. Backus, from the judiciary committee, to whom was referred Senate bill "relating to the conveyance of real estate," reported the same back to the House without amendment, which was referred to the committee of the whole, and placed upon the general order.

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER, }
Monday, March 30, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit herewith, a "Bill to enable the first Protestant society of Detroit to amend their constitution," which the Senate have passed, and respect-

fully ask the concurrence of the House of Representatives therein.

And to return a "Bill to authorize the board of commissioners of internal improvement to loan to the Palmyra and Jacksonburg railroad company a certain amount of railroad iron," with amendments, and respectfully ask the concurrence of the House of Representatives therein.

Also, to transmit a "Joint resolution relative to the claim of Samuel Y. AtLee," which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

I am further instructed to inform you, respectfully, that the Senate refuse to recede from their amendment to the "Bill to abolish the office of county commissioners, and substitute therefor a board of supervisors."

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to enable the first Protestant society of Detroit to amend their constitution," was read and referred to the committee of the whole,

And the "Bill to abolish the office of county commissioners, and to substitute therefor a board of supervisors," and "to authorize the board of commissioners of internal improvement to loan to the Palmyra and Jacksonburg railroad company a certain amount of railroad iron," were laid upon the table.

On motion of Mr. Champlin, the House adjourned.

Tuesday, March 31, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were all present except those absent on leave.

REPORTS.

Mr. Harbaugh, from the committee on the library, to whom was referred the "special message of the Executive, together

with accompanying documents from the state librarian," reported the same back to the House, and that the committee are of the opinion that the report and list of books ought to be published, with the documents of the House; and the committee were discharged from the further consideration of the subject, and their report adopted.

(See House Document No. 68.)

Mr. Backus, from the judiciary committee, to whom was referred Senate bill "authorizing the Secretary of State to employ a clerk," reported the same back to the House without amendment; and the same was referred to the committee of the whole, and placed upon the general order.

Mr. Backus, from the same committee, reported back, pursuant to instructions, the "Bill to provide for a settlement with the Ypsilanti and Tecumseh railroad company;" and the same was referred to the committee of the whole, and placed upon the general order.

Also, reported back from the same committee, the "special message of the Executive, with accompanying documents, relative to taking a census."

Also, certain documents relative to the claim of A. J. Comstock, and the committee were discharged from the further consideration of the same.

Mr. Larue, from the committee on claims, to whom was referred the petition of Garry Spencer, praying for relief, reported the following joint resolution, which was laid upon the table, according to rule, for one day:

Resolved by the Senate and House of Representatives of the State of Michigan, That the State Treasurer be, and he is hereby authorized and directed, to receive from Garry Spencer, late county treasurer of the county of Wayne, the following sums of money, being a part of the amount of money received by said Spencer, in the discharge of his duty as county treasurer, of said county of Wayne, in payment for specific state taxes for the year 1839, and credit him therewith, to wit: seventy-eight dollars in bank bills of the Detroit city bank; two hundred and forty-two dollars in bank bills of the bank of

River Raisin; three hundred and ninety-four dollars in bank bills of the Calhoun county bank, and six hundred dollars in bank bills of the bank of Bellville, New Jersey.

Mr. Underwood, from the committee on university and school lands, to whom was referred so much of the Governor's special message of the fifth of February last, as "relates to the transfer of the duties connected with the receipts and expenditures of the university and school lands from the office of the Superintendent of Public Instruction to the office of the Auditor General and State Treasurer," submitted a report thereon; which was read, and on his motion, was ordered to lie upon the table.

The Chair announced a communication from the Secretary of State; which was read and ordered to lie upon the table.

The House took up from the table, the "Bill to loan the Palmyra and Jacksonburg railroad company, a certain amount of railroad iron, and concurred in the amendments made by the Senate to said bill," and passed the same as amended.

The House took up from the table, the "Bill to abolish the office of county commissioners, and to substitute therefor a board of supervisors," the committee of conference having disagreed in relation to said bill.

On motion of Mr. Hammond,

The House concurred in the amendments made by the Senate to the said bill, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Bird, | Mr. Hart, | Mr. Pierce, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Steele, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cook, | Mr. Larue, | Mr. Tucker, |
| Mr. Dunham, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Foote, | Mr. Lathrop, | Mr. Walker, |
| Mr. Forbes, | Mr. McClelland, | Mr. Williams, |

33

NAYS.

| | | |
|-------------|--------------|--------------|
| Mr. Backus, | Mr. Coleman, | Mr. Spencer, |
|-------------|--------------|--------------|

Mr. Barbour,
Mr. Button,
Mr. Champlin,

Mr. Gregory,
Mr. Newton,

Mr. Turner,
Mr. Speaker,

10

The House took up for a third reading, the "Joint resolution requiring the board of internal improvement to deposite all uncurrent money with the State Treasurer," &c., which was then read the third time and passed.

On motion of Mr. Champlin,

The committee of the whole were discharged from the "Bill to provide for a settlement with the Ypsilanti and Tecumseh railroad company," and on his motion, the same was taken up by the House for consideration, and

On motion of Mr. Underwood, the said bill was laid upon the table and ordered printed.

On motion of Mr. Barbour,

The House resolved itself into committee of the whole, on the "Bill to provide for the payment of certain claims;" Mr. Steele in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment, and

On motion of Mr. Champlin, the said bill was laid upon the table and ordered printed.

On motion of Mr. Bell,

The House re-considered its vote of concurrence in the amendments made by the Senate to the "Bill to abolish the office of county commissioners and to substitute therefor a board of supervisors."

The question recurring upon concurring in the amendments to the bill, the House refused to concur, by yeas and nays, as follows:

YEAS.

Mr. Castle,
Mr. Forbes,
Mr. Fuller,
Mr. Hammond,

Mr. Kenny,
Mr. McReynolds,
Mr. Pierce,

Mr. Sanborn,
Mr. Stockton,
Mr. Underwood,

16

NAYS.

Mr. Ashman,
Mr. Barbour,
Mr. Bell,

Mr. Coleman,
Mr. Dunham,
Mr. Foote,

Mr. Mulhollan,
Mr. Newton,
Mr. Spencer,

| | | |
|----------------------|----------------------|----------------------|
| Mr. Bird, | Mr. Gregory, | Mr. Sprague, |
| Mr. Bush, | Mr. Hart, | Mr. Steele, |
| Mr. Button, | Mr. Harbaugh, | Mr. Turner, |
| Mr. Carr, | Mr. Ingalls, | Mr. Walker, |
| Mr. Cathcart, | Mr. Larue, | Mr. Williams, |
| Mr. Champlin, | Mr. McDonald, | Mr. Speaker, |
| Mr. Cook, | Mr. Miller, | 29 |

Mr. Spencer moved that another committee of conference, consisting of three members from the House, be appointed, and that the House request the appointment of a like committee on the part of the Senate to take into consideration said bill, which motion prevailed, by yeas and nays, as follows:

YEAS.

| | | |
|----------------------|----------------------|----------------------|
| Mr. Backus, | Mr. Foote, | Mr. Newton, |
| Mr. Bell, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bird, | Mr. Fuller, | Mr. Spencer, |
| Mr. Bush, | Mr. Hammond, | Mr. Sprague, |
| Mr. Button, | Mr. Hart, | Mr. Steele, |
| Mr. Carr, | Mr. Ingalls, | Mr. Walker, |
| Mr. Castle, | Mr. Larue, | Mr. Williams, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Cook, | Mr. McDonald, | 26 |

NAYS.

| | | |
|---------------------|------------------------|-----------------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Kenny, | Mr. Stockton, |
| Mr. Coleman, | Mr. Miller, | Mr. Turner, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Gregory, | Mr. McReynolds, | 14 |

The Chair announced as such committee, Messrs. Spencer, Hammond and Pierce.

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled "An act to provide for a settlement with the River Raisin and Lake Erie railroad company."

The House took up from the table the "Bill to exempt grain while growing, and other unharvested crops from sale under execution;" and the House refused to concur in the amendments made by the Senate to said bill, and

On motion of Mr. Hammond,

A committee of conference was appointed on the part of the House on said bill, consisting of Messrs. Hammond, Bush and Gregory.

On motion of Mr. Backus,

The House went into committee of the whole on Senate bill number seventy-eight, "relating to the conveyance of real estate;" Mr. McClelland in the chair.

After spending some time thereon, the committee rose and reported the same back to the House without amendment, and the bill was then ordered to a third reading.

On motion of Mr. Backus,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Harbaugh,

The House took up for consideration, Senate bill number seventy-seven, (the committee of the whole having been discharged therefrom,) "to enable the first Protestant society of Detroit to amend their constitution," and the said bill was then ordered to a third reading.

On motion of Mr. Barbour,

The rule was suspended, the bill read the third time and passed.

Mr. McClelland moved to suspend the rule requiring the motion for a re-consideration of a vote to be made before the adjournment of the House; which motion did not prevail, the following being the vote:

YEAS.

| | | |
|--------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Champlin, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Dunham, | Mr. McReynolds, |
| Mr. Bell, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Walker, |
| Mr. Carr, | Mr. LeBaron, | Mr. Williams, |
| Mr. Castle, | Mr. McClelland, | |

17

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Backus, | Mr. Fuller, | Mr. Pierce, |
| Mr. Bird, | Mr. Gregory, | Mr. Spencer, |
| Mr. Button, | Mr. Hart, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Steele, |
| Mr. Cook, | Mr. McDonald, | Mr. Underwood, |
| Mr. Foote, | Mr. Miller, | Mr. Speaker, |
| Mr. Forbes, | Mr. Newton, | |

20

On motion of Mr. Spencer,

The committee of the whole were discharged from the "Bill

to amend an act entitled 'An act to organize and regulate banking associations,' approved March 15, 1837, and all acts amendatory thereto;" and on his motion, the same was taken up by the House for consideration, and

The amendment, which was pending when said bill was referred to the committee on the judiciary, was adopted, and the bill was ordered to a third reading.

On motion of Mr. Spencer,

The rule was suspended, the bill read the third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Fuller, | Mr. Newton, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bird, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Bush, | Mr. Johnson, | Mr. Sprague, |
| Mr. Button, | Mr. Kenny, | Mr. Stockton, |
| Mr. Carr, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Castle, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Walker, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |
| Mr. Dunham, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | | |

37

NAYS.

Mr. McReynolds,

1

The title being under consideration,

On motion of Mr. Bell,

The same was amended by striking out the word "repeal," and inserting in lieu thereof, the word "amend."

On motion Mr. Lathrop,

The House resolved itself into committee of the whole on the "Bill making appropriations for continuing the building of the state prison;" Mr. Carr in the chair,

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments, which were concurred in.

The bill then being under consideration,

Mr. Bush moved to amend the second section of the same,

in the fifth line by striking out "twenty," and inserting in lieu thereof, "ten."

On motion of Mr. Gregory,

A division of the question was ordered, and the House refused to strike out.

Mr. Ashman moved to amend said bill by filling the blank in the second section with "eight hundred dollars."

Mr. Sanborn moved to fill said blank with "six hundred dollars."

And the question being taken upon filling the blank with the highest number first, the same prevailed.

Mr. Bush moved to further amend said bill by striking out in the fifth line of the second section, the word "twenty," and inserting in lieu thereof, the word "thirty," which motion prevailed.

The bill was then ordered to a third reading.

On motion of Mr. Ingalls,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Harbaugh,

The committee of the whole were discharged from Senate bill "authorizing the employment and payment of a clerk in the office of Secretary of State," and the same was taken up for consideration.

Mr. Steele moved to amend the same by striking out in the first section "five hundred dollars," and inserting in lieu thereof "four hundred dollars."

Mr. Bush moved to amend the amendment, by striking out of said bill all after the enacting clause; which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Bell,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Cook,
Mr. Dunham,
Mr. Foote,

Mr. Forbes,
Mr. Fuller,
Mr. Hammond,
Mr. Ingalls,
Mr. Johnson,
Mr. McClelland,
Mr. McDonald,
Mr. Newton,

Mr. Pierce,
Mr. Sanborn,
Mr. Spencer,
Mr. Steele,
Mr. Tucker,
Mr. Underwood,
Mr. Walker,
Mr. Williams,

NAYS.

| | | | |
|---------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Gregory, | Mr. Miller, | |
| Mr. Backus, | Mr. Hart, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Sprague, | |
| Mr. Champlin, | Mr. Larue, | Mr. Stockton, | |
| Mr. Coleman, | Mr. LeBaron, | Mr. Speaker, | 15 |

And on motion of Mr. Bush,

The further consideration of the enacting clause of said bill, was indefinitely postponed.

On motion of Mr. Harbaugh,

The House took up for consideration the Senate joint resolution "relative to the claim of Samuel Yorke" AtLee," and

On motion of Mr. Tucker, the same was referred to the committee on claims.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Tuesday, March 31, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit a "Bill for the relief of certain school districts in the township of Parma, Jackson county," together with the veto message from the Executive, returning said bill, which bill the Senate have (again) passed by a two-thirds vote, and respectfully ask the concurrence of the House of Representatives by a like vote.

Also, to return, with the concurrence of the Senate, the "Joint resolution to repeal the law 'authorizing the Superintendent of Public Instruction to furnish school inspectors and district boards with the Journal of Education.'"

And also, the "Joint resolution authorizing the Auditor General to settle certain claims.

D. W. KELLOGG,

Secretary of the Senate.

And the House re-considered its vote on the passage of the "Bill for the relief of certain school districts in the township of Parma, Jackson county."

The question then recurring upon the passage of said bill, the same was negatived, by yeas and nays, as follows:

YEAS.

Mr. Bush,

1

NAYS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Backus, | Mr. Fuller, | Mr. Newton, |
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Bell, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Button, | Mr. Hart, | Mr. Spencer, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Castle, | Mr. Ingalls, | Mr. Steele, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Stockton, |
| Mr. Champlin, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Coleman, | Mr. McClelland, | Mr. Walker, |
| Mr. Dunham, | Mr. McDonald, | Mr. Williams, |
| Mr. Foote, | Mr. Miller, | Mr. Speaker, |

39

On motion of Mr. Ingalls, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

On calling the roll, the same members were present as in the morning.

On motion of Mr. LeBaron,

The committee of the whole were discharged from the "Bill to provide for a settlement with the Ypsilanti and Tecumseh railroad company," and on his motion, the same was taken up by the House for consideration.

Mr. Underwood offered the following additional section to stand as section three:

"Sec. 3. This act shall not be construed to authorize the afore-said commissioners to receive, in payment, or as security for the payment of any sum found, on settlement, due from the company to the state, the railroad whose construction has been commenced by said company, or any portion thereof, or any perishable materials provided for its construction."

Which was adopted.

Mr. Pierce offered a proviso, to come in at the end of the first section.

Mr. Steele moved to amend the amendment by striking out

the balance of the first section, after the sixth line; which motion prevailed.

The question recurring upon Mr. Pierce's amendment, he withdrew the same.

Mr. Turner moved a re-consideration of the vote upon the adoption of the third section; which was negatived by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Backus, | Mr. Harbaugh, | Mr. Miller, |
| Mr. Bell, | Mr. Larue, | Mr. McReynolds, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Dunham, | Mr. McClelland, | Mr. Williams, |
| Mr. Hart, | | |

13

NAYS.

| | | |
|--------------|----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Sanborn, |
| Mr. Axford, | Mr. Fuller, | Mr. Spencer, |
| Mr. Barbour, | Mr. Gregory, | Mr. Sprague, |
| Mr. Bush, | Mr. Ingalls, | Mr. Steele, |
| Mr. Carr, | Mr. Johnson, | Mr. Tucker, |
| Mr. Castle, | Mr. Kenny, | Mr. Turner, |
| Mr. Cook, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Coleman, | Mr. Pierce, | Mr. Walker, |
| Mr. Foote, | Mr. Renwick, | Mr. Speaker, |

27

Mr. Tucker moved to amend the first section by adding the following proviso: "*Provided*, said State Treasurer and Secretary of State shall, in no wise, for the privileges herein contained, apply to this or the next legislature for extra compensation for clerk hire, other than now allowed by law."

Mr. Ashman moved to amend the amendment by substituting the following: "for which services they shall be entitled to receive each the sum of five dollars per day, for all the time they may be engaged in said settlement;" which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Cook, | Mr. Miller, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Stockton, |
| Mr. Barbour, | | |

7

NAYS.

| | | |
|-------------|--------------|--------------|
| Mr. Axford, | Mr. Gregory, | Mr. Renwick, |
| Mr. Bell, | Mr. Hart, | Mr. Sanborn, |
| Mr. Bush, | Mr. Ingalls, | Mr. Spencer, |

| | | |
|---------------|-----------------|----------------|
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. Kenny, | Mr. Steele, |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Turner, |
| Mr. Coleman, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. Moran, | Mr. Walker, |
| Mr. Foote, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Fuller, | Mr. Pierce, | |

35

The question recurring upon Mr. Tucker's amendment,

Mr. Renwick moved to amend the same by striking out in the first section, second line, the words "the State Treasurer and Secretary of State," and inserting in lieu thereof "Levi Cook and John Palmer;" which was adopted.

Mr. Tucker then withdrew his amendment, and the bill was then ordered to a third reading.

On motion of Mr. McClelland,

The rule was suspended, the bill read the third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Axford, | Mr. Forbes, | Mr. Moran, |
| Mr. Backus, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Steele, |
| Mr. Castle, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Turner, |
| Mr. Cook, | Mr. McClelland, | Mr. Walker, |
| Mr. Dunham, | Mr. Miller, | Mr. Williams, |

27

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Spencer, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Champlin, | Mr. Johnson, | Mr. Tucker, |
| Mr. Coleman, | Mr. Larue, | Mr. Underwood, |
| Mr. Foote, | Mr. Newton, | Mr. Speaker, |
| Mr. Gregory, | Mr. Pierce, | |

17

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled "An act to incorporate the Jonesville railroad company."

The Chair announced the following message from the Senate by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Tuesday, March 31, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit "A bill to provide for the settlement of the accounts of the commissioners of internal improvement," &c.; which the Senate have passed, and in which the concurrence of the House of Representatives is respectfully asked.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill to provide for the settlement of the accounts of the commissioners of internal improvement," &c., was twice read and referred to the committee of the whole.

Mr. Barbour, from the committee on claims, reported back with an amendment, the Senate joint resolution "relative to paying S. Y. AtLee for services," &c.; which was referred to the committee of the whole; and

On motion of Mr. Barbour,

The committee of the whole were discharged from the further consideration of said resolution; and on his motion, the same was taken up by the House, and the amendment reported by the committee on claims was adopted, and the resolution, as amended, passed.

Mr. Tucker, upon unanimous consent, introduced a bill entitled a "Bill relative to promissory notes and bills of exchange;" which was read twice and referred to the committee of the whole.

On motion of Mr. Tucker,

The committee of the whole were discharged from the further consideration of the "Bill relative to promissory notes and bills of exchange;" and on his motion, the same was taken up by the House for consideration, and ordered to a third reading.

On motion of Mr. Lathrop,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. McClelland,

The House took up for consideration the "Bill to amend an act entitled 'An act to incorporate the city of Monroe,' approved March 22, 1837."

Mr. McClelland moved to amend the first section, by striking out the words "six months," and inserting in lieu thereof, "thirty days;" which amendment was adopted, and the bill was then ordered to a third reading.

On motion of Mr. McClelland,

The rule was suspended, the bill read the third time and passed, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. McDonald, |
| Mr. Backus, | Mr. Fuller, | Mr. Miller, |
| Mr. Barbour, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Steele, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Walker, |
| Mr. Coleman, | Mr. McClelland, | Mr. Speaker, |
| Mr. Foote, | | |

23

NAYS.

| | | |
|-----------|----------------|--------------|
| Mr. Bush, | Mr. Mulhollan, | Mr. Sanborn, |
|-----------|----------------|--------------|

3

On motion of Mr. Barbour,

The House resolved itself into committee of the whole on the "Bill to provide for the payment of certain claims;" Mr. Backus in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments.

The question being upon concurring in the amendments made to the said bill,

The House refused to concur in the first amendment relative to the printing of a catalogue of the books in the state library, by the following vote:

YEAS.

| | | |
|-----------------|----------------|---------------|
| Mr. Bush, | Mr. McDonald, | Mr. Tucker, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Harbaugh, | Mr. Steele, | Mr. Williams, |
| Mr. McClelland, | | |

10

NAYS.

| | | |
|-------------|------------|-------------|
| Mr. Ashman, | Mr. Foote, | Mr. Miller, |
|-------------|------------|-------------|

| | | |
|----------------------|---------------------|------------------------|
| Mr. Backus, | Mr. Forbes, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Fuller, | Mr. Newton, |
| Mr. Bell, | Mr. Gregory, | Mr. Sanborn, |
| Mr. Carr, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Turner, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Underwood, |
| Mr. Cook, | Mr. LeBaron, | Mr. Speaker, |
| Mr. Coleman, | | |

25

The House also refused to concur in the amendment striking out the per diem allowance of six dollars to the Speaker of the House and President of the Senate, by yeas and nays, as follows:

YEAS.

| | | |
|----------------------|------------------------|-----------------------|
| Mr. Bell, | Mr. Harbaugh, | Mr. Steele, |
| Mr. Bush, | Mr. McClelland, | Mr. Tucker, |
| Mr. Carr, | Mr. Moran, | Mr. Turner, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Coleman, | Mr. McReynolds, | Mr. Walker, |
| Mr. Gregory, | Mr. Sanborn, | |

17

NAYS.

| | | |
|---------------------|---------------------|----------------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Miller, |
| Mr. Backus, | Mr. Hart, | Mr. Newton, |
| Mr. Barbour, | Mr. Ingalls, | Mr. Pierce, |
| Mr. Cook, | Mr. Johnson, | Mr. Renwick, |
| Mr. Foote, | Mr. Kenny, | Mr. Sprague, |
| Mr. Forbes, | Mr. Larue, | Mr. Stockton, |
| Mr. Fuller, | Mr. LeBaron, | Mr. Williams, |

21

Mr. Barbour moved to fill the blank relating to the compensation of the enrolling and recording clerks, with "three dollars;" which motion prevailed.

Mr. Bell moved to fill the blank relating "to the compensation to be allowed the Clerk of the House and Secretary of the Senate, for superintending the publication of the journals, documents," &c., with one hundred and eighty dollars.

Mr. Fuller moved to amend the motion by filling the blank with "two hundred dollars," which was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|---------------------|------------------------|----------------------|
| Mr. Ashman, | Mr. Hart, | Mr. Newton, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Bell, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Forbes, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Fuller, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Gregory, | | |

16

NAYS.

| | | |
|---------------|-----------------|------------------|
| Mr. Backus, . | Mr. Johnson, | Mr. Sanborn, |
| Mr. Bush, | Mr. Kenny, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Larue, | Mr. Sprague, |
| Mr. Cook, | Mr. McClelland, | Mr. Steele, |
| Mr. Coleman, | Mr. Miller, | Mr. Turner, |
| Mr. Foote, | Mr. Moran, | Mr. Underwood, |
| Mr. Hammond, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Ingalls, | Mr. Pierce, | Mr. Williams, 24 |

The question recurring upon filling the blank with "one hundred and eighty dollars," the same prevailed.

On motion of Mr. Barbour,

The blank relative to the amount to be paid the recording clerk for bringing up the journals, was filled with "fifty dollars."

Mr. Williams moved to amend said bill, by adding the following to the second section: "to A. G. Abel, for services as clerk of committee of internal improvement, sixty-three dollars."

Mr. Ingalls moved to amend the amendment, by striking out "sixty three," and inserting in lieu thereof, "twenty;" which motion did not prevail.

The question recurring upon Mr. Williams' amendment, Mr. Spencer moved to strike out "sixty-three," and insert "fifteen dollars;" which motion was also lost.

Mr. Pierce moved to strike out "sixty-three," and insert "five dollars;" which was also lost.

The question again recurring upon Mr. Williams' amendment, it was not adopted.

Mr. Hammond moved to further amend said bill by inserting the following after "door-keeper and sergeant-at-arms," the words "of the Senate and House of Representatives, two dollars per day; and to all the assistant clerks of either house, the sum of two dollars per day, while actually employed;" which was adopted, by the following vote:

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Bell, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Bush, | Mr. Larue, | Mr. Sprague, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Steele, |

| | | |
|---------------|-----------------|----------------|
| Mr. Champlin, | Mr. McDonald, | Mr. Turner, |
| Mr. Cook, | Mr. Moran, | Mr. Underwood, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Williams, |
| Mr. Hammond, | Mr. Renwick, | Mr. Speaker, |
| Mr. Hart, | Mr. Sanborn, | 26 |

NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Lathrop, |
| Mr. Backus, | Mr. Gregory, | Mr. Miller, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Castle, | Mr. Johnson, | Mr. Pierce, |
| Mr. Foote, | Mr. Kenny, | Mr. Stockton, |
| Mr. Forbes, | Mr. LeBaron, | 17 |

Mr. McClelland moved to insert "twenty-five cents" after the word "dollar," where it relates to the compensation of messengers; which was negatived, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Kenny, | Mr. McReynolds, |
| Mr. Bell, | Mr. LeBaron, | Mr. Newton, |
| Mr. Castle, | Mr. Lathrop, | Mr. Sanborn, |
| Mr. Dunham, | Mr. McClelland, | Mr. Stockton, |
| Mr. Foote, | Mr. Miller, | Mr. Turner, |
| Mr. Hammond, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Harbaugh, | | 19 |

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Backus, | Mr. Gregory, | Mr. Renwick, |
| Mr. Barbour, | Mr. Hart, | Mr. Spencer, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Steele, |
| Mr. Cook, | Mr. Larue, | Mr. Underwood, |
| Mr. Coleman, | Mr. McDonald, | Mr. Walker, |
| Mr. Forbes, | Mr. Moran, | Mr. Williams, |
| Mr. Fuller, | Mr. Pierce, | 23 |

On motion of Mr. Harbaugh,

The blank relative to the appropriation for the payment of newspapers received by the members, was filled with "three hundred dollars."

Mr. Sprague moved a re-consideration of the vote upon the adoption of Mr. Hammond's amendment; which prevailed.

The question recurring upon the adoption of Mr. Hammond's amendment,

Mr. Harbaugh moved to amend the same so as to allow the

sergeant-at-arms and door keeper, three dollars per day; which motion prevailed.

The question again recurring upon the adoption of Mr. Hammond's amendment as amended, it was rejected, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bush, | Mr. Larue, | Mr. Spencer, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Steele, |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Underwood, |
| Mr. Dunham, | Mr. McReynolds, | Mr. Walker, |
| Mr. Hammond, | Mr. Sanborn, | |

14

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Moran, |
| Mr. Backus, | Mr. Hart, | Mr. Newton, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bell, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Castle, | Mr. Johnson, | Mr. Stockton, |
| Mr. Champlin, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cook, | Mr. LeBaron, | Mr. Turner, |
| Mr. Foote, | Mr. Lathrop, | Mr. Williams, |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, |
| Mr. Fuller, | Mr. Miller, | |

29

Mr. Barbour moved to further amend said bill by adding a clause, allowing O. Marsh, librarian, three dollars per day during the session of the Legislature; which motion prevailed.

Mr. Harbaugh moved to further amend said bill by adding the following: "to Joseph Lareviere, the sum of seventy-five cents per day for the time he has been actually employed in and about the capitol."

Mr. Moran moved to amend the amendment by striking out "seventy-five cents," and inserting in lieu thereof, "one dollar;" which motion prevailed.

The question recurring upon Mr. Harbaugh's amendment as amended,

Mr. Hammond moved to add the following proviso to the amendment: "*Provided*, That such compensation be deducted from the compensation of the doorkeeper;" which motion was negatived, by yeas and nays, as follows:

YEAS.

| | | |
|-----------|--------------|-----------------|
| Mr. Bell, | Mr. Hammond, | Mr. McReynolds, |
|-----------|--------------|-----------------|

| | | | |
|--------------|-----------------|---------------|----|
| Mr. Bush, | Mr. Hart, | Mr. Stockton, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Walker, | |
| Mr. Dunham, | Mr. Mulhollan, | | 11 |

NAYS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Backus, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Barbour, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Castle, | Mr. Larue, | Mr. Sprague, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Steele, | |
| Mr. Champlin, | Mr. Lathrop, | Mr. Tucker, | |
| Mr. Cook, | Mr. McDonald, | Mr. Turner, | |
| Mr. Foote, | Mr. Miller, | Mr. Underwood, | |
| Mr. Forbes, | Mr. Moran, | Mr. Williams, | |
| Mr. Fuller, | Mr. Newton, | Mr. Speaker, | |
| Mr. Gregory, | Mr. Pierce, | | 32 |

The question again recurring upon Mr. Harbaugh's amendment as amended, the same was adopted.

Mr. Walker moved to amend the second section of said bill by striking out all the part appertaining to the compensation of members of the Legislature, and substituting the following therefor: "each member of the Legislature shall be allowed two dollars per day for attendance on this session of the Legislature, and mileage at the rate of two dollars for every twenty miles travel, in coming to and returning from the place of holding this session."

Mr. Stockton offered the following amendment to the amendment: "such compensation as in his conscience he is willing to accept, not exceeding three dollars per day;" which was adopted, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|--------------|----------------|----|
| Mr. Ashman, | Mr. Dunham, | Mr. McDonald, | |
| Mr. Barbour, | Mr. Foote, | Mr. Miller, | |
| Mr. Bell, | Mr. Gregory, | Mr. Mulhollan, | |
| Mr. Bush, | Mr. Hammond, | Mr. Steele, | |
| Mr. Castle, | Mr. Hart, | Mr. Stockton, | |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Champlin, | Mr. Johnson, | Mr. Turner, | |
| Mr. Cook, | Mr. Larue, | Mr. Williams, | |
| Mr. Coleman, | Mr. Lathrop, | Mr. Speaker, | 27 |

NAYS.

| | | |
|-------------|-----------------|--------------|
| Mr. Backus, | Mr. McReynolds, | Mr. Spencer, |
| Mr. Forbes, | Mr. Newton, | Mr. Sprague, |

| | | | |
|-----------------|--------------|----------------|----|
| Mr. Fuller, | Mr. Pierce, | Mr. Underwood, | |
| Mr. Harbaugh, | Mr. Sanborn, | Mr. Walker, | |
| Mr. McClelland, | | | 13 |

Mr. McClelland moved to adjourn, which motion did not prevail.

Mr. Lathrop moved to adjourn until half past seven o'clock this evening, which motion was also lost.

The question recurring upon Mr. Walker's amendments amended, it did not prevail.

Mr. LeBaron moved to further amend said bill by adding a clause allowing the members from the counties of Mackinac and Chippewa, an additional compensation of ninety dollars each; which was negatived, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|---------------|-----------------|----|
| Mr. Bell, | Mr. Harbaugh, | Mr. Miller, | |
| Mr. Cathcart, | Mr. Larue, | Mr. McReynolds, | |
| Mr. Foote, | Mr. LeBaron, | Mr. Newton, | |
| Mr. Fuller, | Mr. Lathrop, | Mr. Stockton, | |
| Mr. Hammond, | Mr. McDonald, | Mr. Williams, | 15 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Backus, | Mr. Gregory, | Mr. Renwick, | |
| Mr. Bush, | Mr. Hart, | Mr. Sprague, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Champlin, | Mr. Johnson, | Mr. Underwood, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Walker, | |
| Mr. Forbes, | Mr. Pierce, | Mr. Speaker, | 18 |

The bill was then ordered to be engrossed for a third reading.

Mr. Renwick, from the committee on ways and means, reported back the Senate bill "to provide for the further construction of certain works of internal improvement," with sundry amendments accompanied by a report.

The bill was referred to the committee of the whole, and the amendments and report were laid upon the table and ordered printed.

(See House Document No. 69.)

On motion of Mr. Bell,

A committee of two was appointed, consisting of Messrs. Bell and Lathrop, to wait upon and inform the Governor that the

House will be ready to receive any nominations he may choose to make to-morrow morning at eleven o'clock.

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
Thursday, March 31, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Bill relative to justices of the peace," which the Senate have concurred in.

Also, to transmit a "Bill to incorporate the Lake Michigan lumber company," which the Senate have passed, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill to incorporate the Lake Michigan lumber company," was twice read and referred to the committee of the whole.

Also, the following from the Senate:

SENATE CHAMBER, }
Friday, March 27, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform you that the Senate, in pursuance of the request of the House of Representatives, have appointed a committee of conference, on their part, consisting of Messrs. Hawkins, Jones and McCamly, on the "Bill to abolish the office of county commissioners," &c.

Also, that the "Bill relative to the fees of struck juries," was lost in the Senate.

Also, that the Senate have concurred in the amendment of the House of Representatives to the "Bill to lay out and establish a state road from Battle Creek to Grandville, in the county of Kent."

Also, to inform you that the Senate, in pursuance of the request of the House of Representatives, have appointed a committee of conference on their part, consisting of Messrs. With-

erell, Lacey and Trowbridge, on the "Bill to exempt grain while growing, &c., from sale under execution."

D. W. KELLOGG,

Secretary of the Senate.

On motion of Mr. Stockton, the House adjourned, by the following vote:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Stockton, | |
| Mr. Bell, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Bush, | Mr. LeBaron, | Mr. Turner, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Foote, | Mr. Miller, | Mr. Walker, | |
| Mr. Hammond, | Mr. McReynolds, | Mr. Williams, | |
| Mr. Hart, | Mr. Renwick, | Mr. Speaker, | 21 |

NAYS.

| | | | |
|---------------|--------------|---------------|----|
| Mr. Backus, | Mr. Forbes, | Mr. McDonald, | |
| Mr. Barbour, | Mr. Fuller, | Mr. Newton, | |
| Mr. Castle, | Mr. Gregory, | Mr. Pierce, | |
| Mr. Champlin, | Mr. Johnson, | Mr. Sprague, | 14 |
| Mr. Coleman, | Mr. Lathrop, | | |

Wednesday, April 1, 1840.

The House met pursuant to adjournment.

Prayer by the Rev. Howell Smith.

The roll being called, the members were all present except those absent on leave.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to incorporate the Lake Superior fishing and mining company."

Also, an act entitled "An act relative to charges for railroad iron."

Also, a joint resolution entitled "Joint resolution relative to furnishing the Congressional library with certain documents."

Also, an act entitled "An act to amend an act entitled 'An

act to abolish imprisonment for debt, and to punish fraudulent debtors.’”

Also, an act entitled “An act to provide for the removal of the seat of justice of the county of Hillsdale.”

Also, an act entitled “An act to authorize the building of a certain dam therein named.”

Also, an act entitled “An act to provide for the foreclosure of mortgages by advertisement.”

Also, an act entitled “An act supplemental to an act entitled ‘An act to amend ‘An act to provide for the government and discipline of the state prison,’ approved March 25, 1840.”

Also, an act entitled “An act to authorize the Treasurer of the State to take further security for the five million loan.”

Also, an act entitled “An act for the improvement of the state salt springs.”

Also, an act entitled “An act to amend chapter first, title three, part two, of the revised statutes, relating to wills of real and personal estate, and for other purposes.’”

WILLIAM WOODBRIDGE.

Executive Office, March 30, 1840.

Also, the following:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled “An act relative to the election of justices of the peace in the township of Monroe.”

Also, a joint resolution entitled “Joint resolution relating to the Detroit young men’s society, and lyceums and library societies.”

Also, an act entitled, “An act granting certain corporate powers to joint owners of burial grounds.”

Also, a “Preamble and joint resolution relative to authorizing the Auditor General to credit Kalamazoo county with certain taxes.”

WILLIAM WOODBRIDGE.

Executive Office, March 31, 1840.

On motion of Mr. Lathrop,

The tenth joint rule was suspended during the remainder of the session.

The House took up for a third reading, the "Bill to provide for the payment of certain claims;" which was then read the third time and passed.

On motion of Mr. Harbaugh,

The House resolved itself into committee of the whole on Senate bill "to incorporate the Lake Michigan lumber company;" Mr. Fuller in the chair.

After some time spent thereon, the committee rose and reported the same back to the House without amendment.

At this stage of the proceedings, Mr. McClelland was called to the chair.

The bill being under consideration,

Mr. Hammond moved to amend the same by inserting the following to stand as section nine:

"Sec. 9. The private property of the stockholders of said company shall be liable for the debts and all present claims and demands against said company, wherever the assets of the company shall be found insufficient for the redemption of its liabilities."

Mr. Hammond moved to further amend said bill, by striking out all after the enacting clause; which motion prevailed, by the following vote:

YEAS.

Mr. Brown,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Cook,
Mr. Coleman,
Mr. Foote,
Mr. Gregory,

Mr. Hammond,
Mr. Hart,
Mr. Ingalls,
Mr. Johnson,
Mr. Kenny,
Mr. LeBaron,
Mr. McDonald,
Mr. Mulhollan,
Mr. Newton,

Mr. Pierce,
Mr. Renwick,
Mr. Spencer,
Mr. Sprague,
Mr. Steele,
Mr. Stockton,
Mr. Tucker,
Mr. Underwood,
Mr. Walker,

28

NAYS.

Mr. Ashman,
Mr. Backus,
Mr. Bell,

Mr. Harbaugh,
Mr. Larue,
Mr. Lathrop,

Mr. Moran,
Mr. McReynolds,
Mr. Sanborn,

Mr. Champlin,
Mr. Forbes,
Mr. Fuller,

Mr. McClelland,
Mr. Miller,

Mr. Williams,
Mr. Speaker,

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Mr. McReynolds moved to lay the bill upon the table; which motion did not prevail; and

On motion of Mr. Ingalls,

The further consideration of the enacting clause of said bill was indefinitely postponed.

Mr. Bell, from the committee appointed to wait upon the Executive, and to inform him that the House was ready to receive and act upon any nominations he might think proper to make, reported that the committee had discharged the duty assigned them, and they had been instructed to inform the House that he would communicate the same to the House forthwith.

The Speaker resumed the chair.

The Chair announced a special message from the Executive, recommending the passage of an act requiring the several county clerks and the clerks of courts of record of the state to make annual reports to the office of the Secretary of State, for the use of the legislative and executive departments of the government.

The same was read and referred to the committee on the judiciary.

Also, the following message of the Executive:

To the Senate and House of Representatives:

I hereby nominate to both branches of the Legislature, George W. Jermain, of Lenawee, Caleb N. Ormsby, of Washtenaw, and Richard Butler, of Macomb, to be commissioners of appraisal, under the act "to provide for the sale of certain lands to the settlers thereon, and for other purposes."

WILLIAM WOODBRIDGE.

Executive Office, March 31, 1840.

On motion of Mr. Bell,

The House proceeded to consider the nominations of the different individuals for the office, as per above message, separately.

And the House advised and consented to the nomination of George W. Jermain, by the following vote:

YEAS.

| | | |
|---------------|-----------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hart, | Mr. Newton, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Brown, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bush, | Mr. Kenny, | Mr. Spencer, |
| Mr. Button, | Mr. Larue, | Mr. Sprague, |
| Mr. Carr, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Castle, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Turner, |
| Mr. Cook, | Mr. McDonald, | Mr. Underwood, |
| Mr. Coleman, | Mr. Miller, | Mr. Walker, |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Fuller, | | |

40

NAYS.

| | | |
|--------------|-------------|---|
| Mr. Sanborn, | Mr. Steele, | 2 |
|--------------|-------------|---|

The House also advised and consented to the nomination of Caleb N. Ormsby, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hart, | Mr. Newton, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Brown, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Castle, | Mr. Kenny, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Larue, | Mr. Sprague, |
| Mr. Cook, | Mr. Lathrop, | Mr. Steele, |
| Mr. Coleman, | Mr. McClelland, | Mr. Stockton, |
| Mr. Dunham, | Mr. McDonald, | Mr. Tucker, |
| Mr. Foote, | Mr. Miller, | Mr. Underwood, |
| Mr. Forbes, | Mr. Moran, | Mr. Walker, |
| Mr. Fuller, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Gregory, | Mr. McReynolds, | Mr. Speaker, |

36

NAYS.

| | | |
|-----------|--------------|--------------|
| Mr. Bell, | Mr. Hammond, | Mr. Sanborn, |
| Mr. Bush, | Mr. LeBaron, | Mr. Turner, |

6

The House also advised and consented to the nomination of Richard Butler, by the following vote:

YEAS.

| | | |
|-------------|--------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Hart, | Mr. Pierce, |

| | | |
|---------------|-----------------|----------------|
| Mr. Brown, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Bush, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Button, | Mr. Johnson, | Mr. Spencer, |
| Mr. Carr, | Mr. Kenny, | Mr. Sprague, |
| Mr. Castle, | Mr. Larue, | Mr. Steele, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Cook, | Mr. McClelland, | Mr. Turner, |
| Mr. Coleman, | Mr. McDonald, | Mr. Underwood, |
| Mr. Dunham, | Mr. Miller, | Mr. Walker, |
| Mr. Foote, | Mr. Moran, | Mr. Williams, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Fuller, | | |

46

NAYS.

0

Mr. Spencer laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That Edwin Lawrence, Esq., prosecuting attorney for the county of Washtenaw be, and he is hereby authorized and requested to act for the interest of the state, in exhibiting in its true light, before the board of commissioners appointed to settle with the Ypsilanti and Tecumseh railroad company, the matters to be embraced in said settlement, and that said board notify said company and said Edwin Lawrence of the time and place of their meeting, to consider said matter.

Mr. McDonald asked and obtained leave of absence for Mr. Bird, on account of indisposition.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled, "An act to incorporate the Jackson county mutual fire insurance company."

Also, "An act to amend an act entitled 'An act relative to highways.'"

Also, "A joint resolution authorizing the Auditor General to settle certain claims."

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled, "An act to provide for the laying out and establishing certain state roads."

Also, "A joint resolution repealing a joint resolution, appro-

ved March 30, 1838, concerning Superintendent of Public Instruction."

Mr. Turner, from the select committee to whom was referred the petition of sundry inhabitants of the county of Kalamazoo, in reference to the abolition of slavery in the District of Columbia, &c., submitted a report thereon, accompanied by the following joint resolutions:

Resolved by the Senate and House of Representatives of the State of Michigan, That any attempt on the part of Congress, to abolish slavery in the District of Columbia or the territories, without the express will of their citizens, or to prohibit the removal of slaves from state to state, or to discriminate between the institutions of one portion of the confederacy and an other, with the views aforesaid, are in violation of the constitution, destructive to the fundamental principles on which the union of these states rests, and beyond the jurisdiction of Congress.

Resolved, That any action on the part of this Legislature, in reference to the annexation of Texas, or the introduction of new states into the Union on anti-slavery principles, is uncalled for and unnecessary.

Mr. Turner moved to suspend the rule requiring joint resolutions to lie upon the table for one day; which motion did not prevail.

The report and resolutions were then laid upon the table according to rule.

On motion of Mr. McReynolds,

A committee of two was appointed consisting of Messrs. McReynolds and Stockton, to wait upon the Senate and inform them, the House will meet them in joint convention, in the hall of the House of Representatives, at eleven o'clock, for the purpose of receiving such nominations as the Executive may have to make.

Mr. Hammond offered the following preamble and resolution:

Whereas, doubts have arisen respecting the time when the several returns of delinquent taxes must be received at the Auditor General's office, in order to insure their validity; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be authorized and required to receive and enter all returns made from the different counties, of delinquent taxes which come into his office during the month of April, and such returns shall be as good and valid as they would have been, if made previous thereto.

On motion of Mr. Hammond,

The rule was suspended, the resolution read the third time and passed.

Mr. McReynolds, from the committee appointed to wait upon the Senate, reported that the committee had discharged the duty assigned them.

A committee from the Senate, consisting of Messrs. Adam and Hawkins was announced, which informed the House that the Senate would meet them in joint convention, at eleven o'clock, agreeably to the request of the House.

On motion of Mr. Renwick,

The resolution offered by Mr. Spencer, "relative to the Ypsilanti and Tecumseh railroad company," was taken up; when,

Mr. Renwick moved that the rule be suspended, requiring that joint resolutions lie upon the table for one day, in order that the resolution offered by Mr. Spencer, "authorizing the prosecuting attorney of Washtenaw county, to attend to the interests of this state upon its settlement with the Ypsilanti and Tecumseh railroad company;" which motion did not prevail, two-thirds not voting in the affirmative, as follows:

YEAS.

| | | |
|--------------|---------------|----------------|
| Mr. Barbour, | Mr. Gregory, | Mr. Pierce, |
| Mr. Carr, | Mr. Hart, | Mr. Renwick, |
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Cook, | Mr. Johnson, | Mr. Spencer, |
| Mr. Coleman, | Mr. Kenny, | Mr. Underwood, |
| Mr. Foote, | Mr. Lathrop, | Mr. Williams, |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, |
| Mr. Fuller, | | |

23

NAYS.

| | | |
|-------------|--------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Mathollan, |
|-------------|--------------|----------------|

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Bell, | Mr. Larue, | Mr. Sprague, | |
| Mr. Brown, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Tucker, | |
| Mr. Champlin, | Mr. Miller, | Mr. Turner, | |
| Mr. Dunham, | Mr. Moran, | | 20 |

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Tuesday, March 31, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the "Bill supplementary to an act, entitled 'An act to regulate the terms of the supreme and circuit courts, and for other purposes,'" with amendments, in which the concurrence of the House of Representatives, is respectfully asked.

Also, that the "Bill to amend chapter three, part one, title two of the revised statutes, concerning the oath of electors," was lost in the Senate.

And am further instructed by the Senate to inform the House of Representatives, that the Senate have advised and consented to the following nominations of the Executive, viz: George W. Jermain, of Lenawee, Caleb N. Ormsby, of Washtenaw and Richard Butler, of Macomb, to be commissioners of appraisal, under the "Act to provide for the sale of certain lands to the settlers thereon, and for other purposes."

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the amendment made by the Senate to the "Bill supplementary to an act, entitled 'An act to regulate the terms of the supreme and circuit courts, and passed the same as amended.

Also, the following from the Senate:

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform the House of Representatives, that the "Bill in relation to promissory notes and bills of exchange," was lost in the Senate.

Also, that the Senate have concurred in the amendments made by the House of Representatives, to the "Bill to provide for a settlement with the Ypsilanti and Tecumseh railroad company."

Also, in the amendment made by the House of Representatives to the "Joint resolution, relative to paying Samuel Yorke AtLee."

Also, in the amendment made by the House of Representatives, to the "Bill to amend an act, entitled 'An act to incorporate the city of Monroe,' approved March 22, 1837."

Also, to return the "Joint resolution relative to the return of delinquent taxes," and inform you, that the Senate have concurred therein.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. Bell,

A committee of two were appointed, consisting of Messrs. Bell and Underwood, to wait upon the Senate and inform them that the House were ready to meet them in joint convention.

JOINT CONVENTION.

The President of the Senate took the chair, aided by the Speaker of the House of Representatives, and called the convention to order.

The rolls were called, the Senators were all present.

All the members of the House of Representatives were present except Messrs. Axford, Bird, Button, Davis, Howard and Lathrop.

On motion of Senator Witherell,

A committee was appointed, consisting of Senator Witherell and Mr. Champlin, of the House of Representatives, to wait upon the Executive and inform him that the two Houses had convened, and were ready to receive any communication he might see fit to make to them.

Soon after the committee reported that they had discharged the duty assigned them.

The President announced the following message from the Executive, by his private secretary, Langley Bruce, Esq.:

To the Senate and House of Representatives in joint convention met:

I hereby nominate Daniel B. Brown, of Washtenaw, to be quartermaster general, vice Sheldon McKnight.

I also nominate Zephaniah Platt, to be judge advocate general, vice Theodore Romeyn.

I also nominate David E. Brown, Esq., to be brigadier general of the fifteenth brigade, of the eighth division of the Michigan militia, vice Frederick W. Curtenius and T. A. H. Edwards, Esquires, both commissioned for the same office.

I also nominate Davis Smith, of Tecumseh, to be major general of the fifth division of the Michigan militia, vice general Humphrey, attached to the Michigan state guards.

I also nominate Benjamin M. Chadwick, to be brigadier general of the fourteenth brigade, of the seventh division; the former incumbent having removed from within the limits of that brigade.

WILLIAM WOODBRIDGE.

Executive Office, March 31, 1840.

And the convention advised and consented to the nomination of Daniel B. Brown, by the following vote:

Senators.

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Adam, | Mr. Greenly, | Mr. LeRoy, |
| Mr. Bridge, | Mr. Hawkins, | Mr. Murphy, |
| Mr. Drake, | Mr. Jones, | Mr. Rice, |
| Mr. Edmunds, | Mr. Lacey, | Mr. Trowbridge, |
| Mr. Gidley, | | |

13

NAYS.

| | | |
|----------------|--------------|----------------|
| Mr. Etheridge, | Mr. Summers, | Mr. Witherell, |
| Mr. McCamly, | | |

4

Representatives.

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Ashman, | Mr. Hart, | Mr. Newton, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Barbour, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Brown, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Carr, | Mr. Kenny, | Mr. Spencer, |
| Mr. Castle, | Mr. Larue, | Mr. Sprague, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Steele, |

April 1.] HOUSE OF REPRESENTATIVES.

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| | | |
|--------------|-----------------|----------------|
| Mr. Cook, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Coleman, | Mr. McClelland, | Mr. Tucker, |
| Mr. Dunham, | Mr. McDonald, | Mr. Underwood, |
| Mr. Foote, | Mr. Miller, | Mr. Walker, |
| Mr. Forbes, | Mr. Moran, | Mr. Williams, |
| Mr. Fuller, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Gregory, | Mr. McReynolds, | 41 |

NAYS.

| | | |
|-----------|--------------|-------------|
| Mr. Bell, | Mr. Hammond, | Mr. Turner, |
| Mr. Bush, | | 4 |

The convention advised and consented to the nomination of Zephaniah Platt, as follows:

Senators.

YEAS.

| | | |
|----------------|--------------|-----------------|
| Mr. Adam, | Mr. Greenly, | Mr. Murphy, |
| Mr. Bridge, | Mr. Hawkins, | Mr. Rice, |
| Mr. Drake, | Mr. Jones, | Mr. Summers, |
| Mr. Edmunds, | Mr. Lacey, | Mr. Trowbridge, |
| Mr. Etheridge, | Mr. LeRoy, | Mr. Witherell, |
| Mr. Gidley, | Mr. McCamly, | 17 |

NAYS.

0

Representatives.

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Newton, |
| Mr. Backus, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bell, | Mr. Hart, | Mr. Renwick, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Sanborn, |
| Mr. Bush, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. Kenny, | Mr. Steele, |
| Mr. Cathcart, | Mr. Larue, | Mr. Stockton, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Cook, | Mr. Lathrop, | Mr. Turner, |
| Mr. Coleman, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. McDonald, | Mr. Walker, |
| Mr. Foote, | Mr. Miller, | Mr. Williams, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Speaker, |
| Mr. Fuller, | Mr. McReynolds, | 44 |

NAYS.

0

The convention advised and consented to the nomination of David E. Brown, as follows:

On motion of Mr. Adam,

A committee, consisting of Mr. Adam, of the Senate, and Mr. Spencer, of the House, were appointed by the Chair, to wait upon the Executive and inquire of him if he had any nomination to present to the convention, to fill the vacancy occasioned by the promotion of Davis Smith.

After a short absence, the committee informed the convention that the Executive wished to make said nomination, and would present it to the convention forthwith.

Mr. Larue, of the House of Representatives, moved a reconsideration of the vote by which the convention advised and consented to the nomination of Davis Smith.

The Chair decided the motion out of order.

The Chair announced the following message from the Executive, by his private secretary, Langley Bruce, Esq.:

To the Senate and House of Representatives, in joint convention met:

I hereby nominate Daniel Pittman, Esquire, to be brigadier general of the tenth brigade of the fifth division of the Michigan militia, vice general Davis Smith, promoted.

WILLIAM WOODBRIDGE.

Executive Office, April 1, 1840.

The convention then advised and consented to the nomination of Daniel Pittman, as follows:

Senators.

YEAS.

| | | |
|----------------|--------------|----------------|
| Mr. Adam, | Mr. Greenly, | Mr. McCamly, |
| Mr. Bridge, | Mr. Hawkins, | Mr. Murphy, |
| Mr. Drake, | Mr. Jones, | Mr. Rice, |
| Mr. Edmunds, | Mr. Lacey, | Mr. Summers, |
| Mr. Etheridge, | Mr. LeRoy, | Mr. Witherell, |
| Mr. Gidley, | | |

16

NAYS.

0

Representatives.

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Moran, |
| Mr. Backus, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Hammond, | Mr. McRaynolds, |

| | | |
|---------------|-----------------|---------------|
| Mr. Bell, | Mr. Hart, | Mr. Newton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bush, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cook, | Mr. Lathrop, | Mr. Walker, |
| Mr. Dunham, | Mr. McClelland, | Mr. Williams, |
| Mr. Foote, | Mr. McDonald, | Mr. Speaker, |
| Mr. Forbes, | Mr. Miller, | |

41

NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Coleman, | Mr. Sanborn, | Mr. Underwood, |
| Mr. Renwick, | | |

4

On motion of Mr. Witherell, of the Senate, the convention adjourned *sine die*.

DAN W. KELLOGG,
Secretary of the Senate.

MARK HOWARD,

Clerk of House of Representatives.

The honorable Senate having retired, the Speaker called the House to order, and announced that the two houses, in joint convention, had advised and consented to the nominations made to the convention by the Executive.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to incorporate the Adrian young men's literary association."

Also, an act entitled "An act to provide for a settlement with the River Raisin and Lake Erie railroad company."

Also, an act entitled "An act concerning bail in criminal cases."

Also, an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to organize and regulate banking associations, and for other purposes.''"

WILLIAM WOODBRIDGE.

Executive Office, March 31, 1840.

Mr. Le Baron was called to the chair.

On motion of Mr. Adam,

A committee, consisting of Mr. Adam, of the Senate, and Mr. Spencer, of the House, were appointed by the Chair, to wait upon the Executive and inquire of him if he had any nomination to present to the convention, to fill the vacancy occasioned by the promotion of Davis Smith.

After a short absence, the committee informed the convention that the Executive wished to make said nomination, and would present it to the convention forthwith.

Mr. Larue, of the House of Representatives, moved a reconsideration of the vote by which the convention advised and consented to the nomination of Davis Smith.

The Chair decided the motion out of order.

The Chair announced the following message from the Executive, by his private secretary, Langley Bruce, Esq.:

To the Senate and House of Representatives, in joint convention met:

I hereby nominate Daniel Pittman, Esquire, to be brigadier general of the tenth brigade of the fifth division of the Michigan militia, vice general Davis Smith, promoted.

WILLIAM WOODBRIDGE.

Executive Office, April 1, 1840.

The convention then advised and consented to the nomination of Daniel Pittman, as follows:

Senators.

YEAS.

| | | |
|----------------|--------------|----------------|
| Mr. Adam, | Mr. Greenly, | Mr. McCamly, |
| Mr. Bridge, | Mr. Hawkins, | Mr. Murphy, |
| Mr. Drake, | Mr. Jones, | Mr. Rice, |
| Mr. Edmunds, | Mr. Lacey, | Mr. Summers, |
| Mr. Etheridge, | Mr. LeRoy, | Mr. Witherell, |
| Mr. Gidley, | | |

16

NAYS.

0

Representatives.

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Moran, |
| Mr. Backus, | Mr. Gregory, | Mr. Mulholland, |
| Mr. Barbour, | Mr. Hammond, | Mr. McReynolds, |

| | | |
|---------------|-----------------|---------------|
| Mr. Bell, | Mr. Hart, | Mr. Newton, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Bush, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Carr, | Mr. Johnson, | Mr. Sprague, |
| Mr. Castle, | Mr. Kenny, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cook, | Mr. Lathrop, | Mr. Walker, |
| Mr. Dunham, | Mr. McClelland, | Mr. Williams, |
| Mr. Foote, | Mr. McDonald, | Mr. Speaker, |
| Mr. Forbes, | Mr. Miller, | |

41

NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Coleman, | Mr. Sanborn, | Mr. Underwood, |
| Mr. Renwick, | | |

4

On motion of Mr. Witherell, of the Senate, the convention adjourned *sine die*.

DAN W. KELLOGG,

Secretary of the Senate.

MARK HOWARD,

Clerk of House of Representatives.

The honorable Senate having retired, the Speaker called the House to order, and announced that the two houses, in joint convention, had advised and consented to the nominations made to the convention by the Executive.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to incorporate the Adrian young men's literary association."

Also, an act entitled "An act to provide for a settlement with the River Raisin and Lake Erie railroad company."

Also, an act entitled "An act concerning bail in criminal cases."

Also, an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to organize and regulate banking associations, and for other purposes.''"

WILLIAM WOODBRIDGE.

Executive Office, March 31, 1840.

Mr. Le Baron was called to the chair.

Mr. Kenny offered the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the several clergymen who have officiated in opening the sessions of the two houses by prayer, during the present session, be paid the sum of two dollars per day, to be paid in proportion to the services rendered by each one.

On motion of Mr. Kenny,

The rule was suspended requiring joint resolutions to lie upon the table one day, and the same was taken up for consideration.

Mr. Turner offered the following substitute therefor:

Resolved, That the thanks of this House be returned to the several clergymen of this city who have officiated in opening its daily sessions with prayer.

Mr. McReynolds moved to amend the substitute by inserting the following after the word "resolved;" "that the members of this House each pay to the Speaker the sum of three dollars, to be distributed, pro rata, to the reverend clergy who have officiated at the opening of the daily sessions of this body;" which amendment did not prevail.

The question recurring upon Mr. Turner's substitute, it was also lost.

The question recurring upon the original resolution,

Mr. Tucker moved to amend the same by adding the following proviso: "*Provided* said compensation shall not be paid out of the treasury of this state;" which amendment was not adopted.

The question again recurring upon the adoption of the resolution,

Mr. Turner moved to lay the same upon the table, which motion did not prevail.

The question yet recurring upon the resolution,

On motion of Mr. Gregory, the same was laid upon the table.

On motion of Mr. Fuller,

The House took up for consideration the resolution laid upon the table by Mr. Spencer on the 21st ult., relative to a publi-

cation of the report of the internal improvement investigating committee.

Mr. Barbour offered the following as a substitute therefor:

Resolved, That the Governor of this state be, and he is hereby authorized and requested to procure printed and distributed equally among the members of the Legislature, three hundred copies of the report or reports that may be made to him by the select committee appointed by this House to investigate the affairs of the board of commissioners of internal improvement, as soon as practicable after the same be made. Also, one hundred copies of the same for the use of the members of the next Legislature.

Mr. Hammond moved to amend the same by striking out "three hundred," and inserting the following: "in a newspaper printed at the seat of government;" which was negatived, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Bell, | Mr. Hammond, | Mr. Turner, | |
| Mr. Bush, | Mr. McClelland, | Mr. Walker, | |
| Mr. Cathcart, | Mr. Moran, | Mr. Williams, | |
| Mr. Dunham, | Mr. Mulholland, | | 11 |

NAYS.

| | | | |
|---------------|---------------|-----------------|----|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, | |
| Mr. Backus, | Mr. Gregory, | Mr. McReynolds, | |
| Mr. Barbour, | Mr. Hart, | Mr. Newton, | |
| Mr. Brown, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Champlin, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Cook, | Mr. Kenny, | Mr. Sprague, | |
| Mr. Coleman, | Mr. Larue, | Mr. Steele, | |
| Mr. Foote, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, | 30 |

The question recurring upon the substitute, the same was adopted, by the following vote:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Lathrop, |
| Mr. Backus, | Mr. Fuller, | Mr. McDonald, |
| Mr. Barbour, | Mr. Gregory, | Mr. Miller, |
| Mr. Brown, | Mr. Hart, | Mr. McReynolds, |
| Mr. Carr, | Mr. Harbaugh, | Mr. Newton, |

| | | | |
|--------------|--------------|--------------|----|
| Mr. Castle, | Mr. Ingalls, | Mr. Sanborn, | |
| Mr. Cook, | Mr. Kenny, | Mr. Spencer, | |
| Mr. Coleman, | Mr. Larue, | Mr. Tucker, | |
| Mr. Foote, | Mr. LeBaron, | Mr. Speaker, | 27 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Bell, | Mr. McClelland, | Mr. Steele, | |
| Mr. Bush, | Mr. Moran, | Mr. Turner, | |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Underwood, | |
| Mr. Champlin, | Mr. Renwick, | Mr. Walker, | |
| Mr. Dunham, | Mr. Sprague, | Mr. Williams, | |
| Mr. Hammond, | | | 16 |

On motion of Mr. McReynolds, the House adjourned.

Afternoon Session.

The House met at half past two o'clock, pursuant to adjournment.

The same members were present as in the morning.

Mr. Underwood, from the committee on enrolment, reported as correctly enrolled:

"An act to prescribe and regulate the amount of fees."

"An act supplementary to an act, entitled 'An act to regulate the terms of the supreme and circuit courts, and for other purposes.' "

A "preamble and joint resolution concerning the protection of the frontier."

"An act relative to justices of the peace."

Mr. Spencer, from the committee of conference, on the "Bill to abolish the office of county commissioners, and to substitute therefor a board of supervisors," reported that the committee could not agree on said bill.

Mr. McClelland, from the committee of conference, on the "Bill concerning officers of courts of record," reported that the committee had agreed to certain amendments made thereto; the report of the committee was adopted, and the bill passed accordingly.

Mr. Barbour laid upon the table the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the number of journals and docu-

ments of the Legislature for the present year, to be printed by the state, shall not exceed the number of two hundred each.

On motion of Mr. Barbour,

The rule was suspended, requiring joint resolutions to lay upon the table for one day, and the same was taken up for consideration.

On motion of Mr. Sprague, said resolution was laid upon the table.

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the "Bill relative to establishing primary schools," which the Senate have passed with amendments, and respectfully ask the concurrence of the House of Representatives therein.

Also, to return the "Joint resolution requiring the board of internal improvement to pay over to the State Treasurer all uncurrent funds," &c., which the Senate have passed with amendments, and respectfully ask the concurrence of the House of Representatives.

D. W. KELLOGG,
Secretary of the Senate.

And the "Bill relative to establishing primary schools," was laid upon the table.

And the House concurred in the amendments made by the Senate to the "Joint resolution requiring the board of internal improvement to pay over to the State Treasurer all uncurrent funds."

On motion of Mr. Renwick,

The House went into committee of the whole, on the Senate bill "to provide for the further construction of certain works of internal improvement;" Mr. Harbaugh in the chair.

After spending some time thereon, the committee rose, and reported the same back to the House with sundry amendments;

which were adopted, except the amendment appropriating three hundred thousand dollars to the Central railroad.

And the amendment appropriating thirty thousand dollars for the completion of the Saginaw turnpike road, was rejected, by yeas and nays, as follows:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Bell, | Mr. Foote, | Mr. Sanborn, | |
| Mr. Bush, | Mr. Hart, | Mr. Stockton, | |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Champlin, | Mr. Johnson, | Mr. Turner, | |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Walker, | |
| Mr. Dunham, | Mr. Moran, | Mr. Williams, | 21 |

NAYS.

| | | | |
|--------------|----------------|-----------------|----|
| Mr. Ashman, | Mr. Hammond, | Mr. McReynolds, | |
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, | |
| Mr. Barbour, | Mr. Kenny, | Mr. Pierce, | |
| Mr. Brown, | Mr. Larue, | Mr. Renwick, | |
| Mr. Castle, | Mr. LeBaron, | Mr. Spencer, | |
| Mr. Forbes, | Mr. McDonald, | Mr. Sprague, | |
| Mr. Fuller, | Mr. Miller, | Mr. Steele, | |
| Mr. Gregory, | Mr. Mulhollan, | Mr. Speaker, | 24 |

The bill being under consideration,

Mr. Bush moved to amend the eighth line of the first section, by inserting the following after the word "direct:" "for the construction of a turnpike on the line of the Grand river road, in the counties of Livingston and Ingham, twenty-five thousand dollars;" which motion did not prevail.

Mr. Pierce moved to amend the first section, by striking out all between the word "improvement," in the fourth line, and the word "improvement," in the eleventh line; pending which,

Mr. Miller moved to commit the whole subject to the committee on internal improvement.

Mr. Hammond moved to amend the motion to commit, so that the committee be instructed to report House bill number eighty-five.

A division of the question being ordered, the House refused to commit, by yeas and nays, as follows:

YEAS.

| | | |
|------------|-------------|--------------|
| Mr. Brown, | Mr. Miller, | Mr. Sanborn, |
|------------|-------------|--------------|

| | | | |
|---------------|-----------------|--------------|---|
| Mr. Carr, | Mr. McReynolds, | Mr. Spencer, | |
| Mr. Harbaugh, | Mr. Renwick, | | 8 |
| NAYS. | | | |

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Ashman, | Mr. Fuller, | Mr. Mulholland, | |
| Mr. Backus, | Mr. Gregory, | Mr. Newton, | |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, | |
| Mr. Bell, | Mr. Ingalls, | Mr. Sprague, | |
| Mr. Bush, | Mr. Johnson, | Mr. Steele, | |
| Mr. Castle, | Mr. Kenny, | Mr. Stockton, | |
| Mr. Cathcart, | Mr. Larue, | Mr. Tucker, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Turner, | |
| Mr. Cook, | Mr. Lathrop, | Mr. Underwood, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Walker, | |
| Mr. Dunham, | Mr. McDonald, | Mr. Williams, | |
| Mr. Foote, | Mr. Moran, | Mr. Speaker, | 37 |
| Mr. Forbes, | | | |

The question recurring upon the adoption of Mr. Pierce's amendment,

Mr. Brown moved to amend the same by striking out all after the enacting clause of the said bill; which motion did not prevail.

Mr. Renwick moved to re-commit said bill to the committee of the whole; which motion was negatived, as follows:

YEAS.

| | | | |
|--------------|---------------|-----------------|----|
| Mr. Backus, | Mr. Gregory, | Mr. Moran, | |
| Mr. Barbour, | Mr. Hammond, | Mr. McReynolds, | |
| Mr. Brown, | Mr. Hart, | Mr. Pierce, | |
| Mr. Bush, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Foote, | Mr. Kenny, | Mr. Sanborn, | |
| Mr. Forbes, | Mr. McDonald, | Mr. Spencer, | |
| Mr. Fuller, | Mr. Miller, | Mr. Speaker, | 21 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Ingalls, | Mr. Sprague, | |
| Mr. Bell, | Mr. Johnson, | Mr. Steele, | |
| Mr. Carr, | Mr. Larue, | Mr. Stockton, | |
| Mr. Castle, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Cathcart, | Mr. Lathrop, | Mr. Turner, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Cook, | Mr. Mulholland, | Mr. Walker, | |
| Mr. Coleman, | Mr. Newton, | Mr. Williams, | |
| Mr. Dunham, | | | 25 |

The question again recurring upon the motion of Mr. Pierce, on motion, it was ordered that the question to strike out be taken separately on each proposition included in said motion.

The House refused to strike out the first proposition, as follows:

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Ashman, | Mr. Cook, | Mr. Moran, |
| Mr. Backus, | Mr. Coleman, | Mr. Newton, |
| Mr. Barbour, | Mr. Forbes, | Mr. Pierce, |
| Mr. Bush, | Mr. Gregory, | Mr. Renwick, |
| Mr. Carr, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Steele, |
| Mr. Champlin, | Mr. McDonald, | Mr. Speaker, |

21

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Larue, | Mr. Sprague, |
| Mr. Dunham, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Foote, | Mr. Lathrop, | Mr. Tucker, |
| Mr. Fuller, | Mr. McClelland, | Mr. Turner, |
| Mr. Hammond, | Mr. Miller, | Mr. Underwood, |
| Mr. Hart, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Harbaugh, | Mr. McReynolds, | Mr. Williams, |

24

The question then being upon striking out the second proposition,

Mr. Renwick moved to amend the same, by striking out of the bill all between the third and tenth sections of the same; which motion did not prevail.

The question recurring upon the second part of Mr. Pierce's motion, it prevailed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Moran, |
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Brown, | Mr. Hart, | Mr. Pierce, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Carr, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Steele, |
| Mr. Cook, | Mr. Larue, | Mr. Stockton, |
| Mr. Coleman, | Mr. McClelland, | Mr. Tucker, |
| Mr. Forbes, | Mr. McDonald, | Mr. Turner, |
| Mr. Fuller, | Mr. Miller, | Mr. Walker, |

29

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Foote, | Mr. McReynolds, | Mr. Speaker, |

16

The question then being upon striking out the last part of Mr. Pierce's motion, the same prevailed, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Moran, |
| Mr. Backus, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Hart, | Mr. Newton, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Spencer, |
| Mr. Cook, | Mr. Larue, | Mr. Steele, |
| Mr. Coleman, | Mr. McClelland, | Mr. Stockton, |
| Mr. Dunham, | Mr. McDonald, | Mr. Tucker, |
| Mr. Forbes, | Mr. Miller, | Mr. Walker, |
| | | 30 |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Johnson, | Mr. Sprague, |
| Mr. Brown, | Mr. LeBaron, | Mr. Turner, |
| Mr. Castle, | Mr. Lathrop, | Mr. Underwood, |
| Mr. Champlin, | Mr. McReynolds, | Mr. Williams, |
| Mr. Foote, | Mr. Sanborn, | Mr. Speaker, |
| | | 15 |

Mr. Spencer moved further to amend said bill by striking out the proviso in first section.

Mr. Johnson moved to amend the amendment by striking out all of the first section; which was negatived, as follows:

YEAS.

| | | |
|-------------|--------------|--------------|
| Mr. Ashman, | Mr. Foote, | Mr. Johnson, |
| Mr. Bell, | Mr. Ingalls, | Mr. Turner, |
| Mr. Bush, | | |
| | | 7 |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Brown, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Carr, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Castle, | Mr. Larue, | Mr. Spencer, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Steele, |
| Mr. Cook, | Mr. McClelland, | Mr. Stockton, |
| Mr. Coleman, | Mr. McDonald, | Mr. Tucker, |
| Mr. Dunham, | Mr. Miller, | Mr. Underwood, |
| Mr. Forbes, | Mr. Moran, | Mr. Walker, |
| Mr. Fuller, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Gregory, | Mr. McReynolds, | Mr. Speaker, |
| | | 39 |

The question then recurring upon Mr. Spencer's motion, the same prevailed.

Mr. Bell moved to further amend said bill by inserting the following after the word "direct," in the eighth line of the first section: "and the further sum of fifteen thousand dollars in addition to the former appropriations be, and the same is hereby appropriated, and the whole shall be paid out and expended in the construction of a canal around the rapids of Grand river; and the commissioners of internal improvement are hereby authorized to charge and collect such rates of toll for the passage of boats through said canal, as shall hereafter be established by law;" which amendment did not prevail, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Larue, | Mr. Turner, |
| Mr. Castle, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. Miller, | Mr. Walker, |
| Mr. Foote, | Mr. Sanborn, | Mr. Williams, |
| Mr. Hammond, | Mr. Tucker, | 14 |

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Ashman, | Mr. Fuller, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Gregory, | Mr. Newton, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Carr, | Mr. Johnson, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Sprague, |
| Mr. Cook, | Mr. LeBaron, | Mr. Steele, |
| Mr. Dunham, | Mr. McDonald, | Mr. Stockton, |
| Mr. Forbes, | Mr. Moran, | Mr. Speaker, |
| | | 27 |

Mr. Steele moved to lay the bill upon the table; which motion did not prevail.

Mr. Bell moved to amend said bill by inserting the following after the word "direct," in the eighth line of the first section: "all the counties within this state, north of the base line shall be, and they are hereby forever exempted and released from the payment of any taxes necessary to be levied for the payment of the interest accruing on the loan of five million dollars made by this state for internal improvement purposes, or for the payment of any of the principal thereof;" which amendment was also lost, as follows:

YEAS.

| | | |
|--------------|--------------|-------------|
| Mr. Barbour, | Mr. Ingalls, | Mr. Tucker, |
|--------------|--------------|-------------|

| | | | |
|--------------|-----------------|----------------|----|
| Mr. Bell, | Mr. Johnson, | Mr. Turner, | |
| Mr. Bush, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Cook, | Mr. Renwick, | Mr. Walker, | |
| Mr. Foote, | Mr. Sanborn, | Mr. Williams, | |
| Mr. Hammond, | Mr. Steele, | | 17 |

NAYS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. Ashman, | Mr. Fuller, | Mr. Miller, | |
| Mr. Backus, | Mr. Gregory, | Mr. Moran, | |
| Mr. Carr, | Mr. Hart, | Mr. Mulhollan, | |
| Mr. Castle, | Mr. Harbaugh, | Mr. Pierce, | |
| Mr. Cathcart, | Mr. Kenny, | Mr. Spencer, | |
| Mr. Champlin, | Mr. Larue, | Mr. Sprague, | |
| Mr. Coleman, | Mr. LeBaron, | Mr. Stockton, | |
| Mr. Dunham, | Mr. McDonald, | Mr. Speaker, | |
| Mr. Forbes, | | | 25 |

Mr. Foote moved the following amendment to the same line and section of said bill: "and two hundred thousand dollars to be expended under the direction of the commissioners of internal improvement on the Clinton and Kalamazoo canal, west of Pontiac;" which motion was negatived, by the following vote:

YEAS.

| | | | |
|--------------|--------------|---------------|---|
| Mr. Bush, | Mr. Sanborn, | Mr. Turner, | |
| Mr. Foote, | Mr. Steele, | Mr. Williams, | |
| Mr. Ingalls, | | | 7 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Gregory, | Mr. Moran, | |
| Mr. Backus, | Mr. Hammond, | Mr. Mulhollan, | |
| Mr. Bell, | Mr. Hart, | Mr. Pierce, | |
| Mr. Carr, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Castle, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Cathcart, | Mr. Kenny, | Mr. Sprague, | |
| Mr. Champlin, | Mr. Larue, | Mr. Stockton, | |
| Mr. Cook, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Coleman, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Dunham, | Mr. McDonald, | Mr. Walker, | |
| Mr. Forbes, | Mr. Miller, | Mr. Speaker, | |
| Mr. Fuller, | | | 34 |

Mr. Foote moved to amend the first section by adding the following proviso: "*Provided*, That no money appropriated under the provisions of this act, shall be expended in advance of the receipt of the same into the treasury of the state. Nor shall any estimates or accounts be audited, or warrants issued for the payment of labor done on contracts hereafter to be let,

until the commisisoners are notified by the Treasurer of the State that such money is received into the treasury to the credit of the internal improvement fund;" which was also rejected, by the following vote:

YEAS.

| | | | |
|---------------|----------------|---------------|----|
| Mr. Ashman, | Mr. Foote, | Mr. Tucker, | |
| Mr. Bell, | Mr. Mulhollan, | Mr. Turner, | |
| Mr. Bush, | Mr. Sanborn, | Mr. Williams, | |
| Mr. Cathcart, | Mr. Sprague, | | 11 |

NAYS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Backus, | Mr. Gregory, | Mr. McDonald, | |
| Mr. Barbour, | Mr. Hammond, | Mr. Miller, | |
| Mr. Carr, | Mr. Hart, | Mr. Moran, | |
| Mr. Castle, | Mr. Harbaugh, | Mr. McReynolds, | |
| Mr. Champlin, | Mr. Ingalls, | Mr. Pierce, | |
| Mr. Cook, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Coleman, | Mr. Kenny, | Mr. Steele, | |
| Mr. Dunham, | Mr. Larue, | Mr. Stockton, | |
| Mr. Forbes, | Mr. LeBaron, | Mr. Underwood, | |
| Mr. Fuller, | Mr. McClelland, | Mr. Speaker, | 30 |

Mr. Larue moved to insert the following after the word "direct," in the same line of the same section: "that the sum of one hundred and fifty thousand dollars be, and the same is hereby appropriated to be expended in the construction of the Southern railroad, east of and that such further sum as the commissioners of internal improvement may be able to realize from the accruing instalments of the five million loan, during the present year, at an interest not to exceed the rate of six per centum per annum, to be expended in the construction of the Southern railroad west of ; *Provided*, the whole amount appropriated on the Southern railroad shall not exceed the sum of five hundred thousand dollars during the present year;" which motion did not prevail.

Mr. Turner moved the following amendment to be inserted after the word "direct," in the same line and section: "that ten thousand dollars be expended under the direction of the board of internal improvement for the improvement of the harbor of Mackinac;" which motion was also lost.

Mr. Larue moved the following amendment to be inserted after the word "direct," in the same line and section: "and

that the unexpended appropriation of twenty-five thousand dollars, made by the legislature of 1839, for the improvement of the St. Joseph river be, and the same is hereby appropriated for the improvement of the same below the Indiana line. And the further sum of be, and the same is hereby appropriated for the improvement of said river above the Indiana line, to be expended in such manner as the board of internal improvement shall direct;" which was negatived, by the following vote:

YEAS.

| | | |
|---------------|--------------|----------------|
| Mr. Ashman, | Mr. Cook, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hammond, | Mr. Stockton, |
| Mr. Cathcart, | Mr. Hart, | Mr. Underwood, |
| Mr. Champlin, | | |

10

NAYS.

| | | |
|--------------|-----------------|-----------------|
| Mr. Backus, | Mr. Gregory, | Mr. Moran, |
| Mr. Barbour, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Bush, | Mr. Ingalls, | Mr. Pierce, |
| Mr. Carr, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Castle, | Mr. Kenny, | Mr. Spencer, |
| Mr. Dunham, | Mr. Larue, | Mr. Sprague, |
| Mr. Foote, | Mr. LeBaron, | Mr. Steele, |
| Mr. Forbes, | Mr. McClelland, | Mr. Turner, |
| Mr. Fuller, | Mr. McDonald, | Mr. Speaker, |

27

On motion of Mr. Ingalls, the bill was ordered to lie upon the table.

The Chair announced the following message from the Executive:

To the Senate and House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled "An act to authorize the board of commissioners of internal improvement to loan to the Palmyra and Jacksonburg railroad company, a certain amount of railroad iron."

Also, an act entitled "An act to lay out and establish certain state roads."

Also, an act entitled "An act to amend an act entitled 'An act to incorporate the city of Monroe,' approved March 22, 1837."

Also, an act, entitled "An act to enable the first Protestant society of Detroit to amend their constitution."

Also, a joint resolution, entitled "Joint resolution relative to the Secretary of the Senate and Clerk of the House of Representatives of 1839."

WILLIAM WOODBRIDGE.

Executive Office, April 1, 1840.

Also, the following:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State:

An act, entitled "An act for the preservation of woodcocks, quails, partridges and pheasants, in the county of Wayne."

Also, a joint resolution, entitled "Joint resolution repealing a 'Joint resolution, approved March 30, 1838,' concerning Superintendent of Public Instruction."

Also, an act, entitled "An act to amend an act, entitled 'An act relative to highways.'"

Also, an act, entitled "An act to authorize the several counties of this state to effect insurance on their county buildings."

Also, an act, entitled "An act to lay off and define the boundaries of certain counties."

Also, a "Joint resolution authorizing the Auditor General to settle certain claims."

Also, an act, entitled "An act relative to justices of the peace."

Also, a joint resolution, entitled "Joint resolution authorizing the Secretary of State to contract for fire wood."

Also, an act, entitled "An act to incorporate the Jonesville railroad company."

Also, an act, entitled "An act to provide for the laying out and establishing certain state roads."

Also, an act, entitled "An act supplementary to an act, entitled 'An act to regulate the terms of the supreme and circuit courts, and for other purposes.'"

Also, a preamble and joint resolutions, entitled "A preamble

and joint resolutions concerning the protection of the frontier of this state."

Also, an act, entitled "An act relating to the conveyance of real estate."

Also, an act, entitled "An act relative to common schools, and for the payment of the claim of Thomas Beals, and for other purposes."

Also, an act, entitled "An act relative to the powers of county commissioners."

Also, an act, entitled "An act to provide for a settlement with the Ypsilanti and Tecumseh railroad company."

WILLIAM WOODBRIDGE.

Executive Office, April 1, 1840.

Also, the following messages from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Bill to provide for the payment of certain claims," which the Senate have passed.

D. W. KELLOGG,
Secretary of the Senate.

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Resolution relative to the erection of a car house in Detroit, for the use of the Central railroad," and inform you that the Senate have concurred therein.

D. W. KELLOGG,
Secretary of the Senate.

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform you, respectfully, that the Senate do not concur in the action of the House

Also, an act, entitled "An act to enable the first Protestant society of Detroit to amend their constitution."

Also, a joint resolution, entitled "Joint resolution relative to the Secretary of the Senate and Clerk of the House of Representatives of 1839."

WILLIAM WOODBRIDGE.

Executive Office, April 1, 1840.

Also, the following:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State:

An act, entitled "An act for the preservation of woodcocks, quails, partridges and pheasants, in the county of Wayne."

Also, a joint resolution, entitled "Joint resolution repealing a 'Joint resolution, approved March 30, 1838,' concerning Superintendent of Public Instruction."

Also, an act, entitled "An act to amend an act, entitled 'An act relative to highways.'"

Also, an act, entitled "An act to authorize the several counties of this state to effect insurance on their county buildings."

Also, an act, entitled "An act to lay off and define the boundaries of certain counties."

Also, a "Joint resolution authorizing the Auditor General to settle certain claims."

Also, an act, entitled "An act relative to justices of the peace."

Also, a joint resolution, entitled "Joint resolution authorizing the Secretary of State to contract for fire wood."

Also, an act, entitled "An act to incorporate the Jonesville railroad company."

Also, an act, entitled "An act to provide for the laying out and establishing certain state roads."

Also, an act, entitled "An act supplementary to an act, entitled 'An act to regulate the terms of the supreme and circuit courts, and for other purposes.'"

Also, a preamble and joint resolutions, entitled "A preamble

and joint resolutions concerning the protection of the frontier of this state."

Also, an act, entitled "An act relating to the conveyance of real estate."

Also, an act, entitled "An act relative to common schools, and for the payment of the claim of Thomas Beals, and for other purposes."

Also, an act, entitled "An act relative to the powers of county commissioners."

Also, an act, entitled "An act to provide for a settlement with the Ypsilanti and Tecumseh railroad company."

WILLIAM WOODBRIDGE.

Executive Office, April 1, 1840.

Also, the following messages from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Bill to provide for the payment of certain claims," which the Senate have passed.

D. W. KELLOGG,
Secretary of the Senate.

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Resolution relative to the erection of a car house in Detroit, for the use of the Central railroad," and inform you that the Senate have concurred therein.

D. W. KELLOGG,
Secretary of the Senate.

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform you, respectfully, that the Senate do not concur in the action of the House

of Representatives, to suspend the tenth rule of the joint rules of the Senate and House of Representatives.

D. W. KELLOGG,

Secretary of the Senate.

SENATE CHAMBER, }
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit a "Bill to provide for the payment of the salaries of the state officers, and for other purposes," which the Senate have passed and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to provide for the payment of the salaries of the state officers, and for other purposes," was twice read and referred to the committee of the whole.

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled, a "Joint resolution requiring the board of internal improvement to pay over to the State Treasurer all uncurrent funds in their hands, and for other purposes;"

Also, a "Preamble and joint resolution concerning the reception of returns of delinquent taxes by the Auditor General."

On motion of Mr. Turner,

Resolved, That the thanks of this House be given to the Reverend clergy of this city, for opening the daily sessions of this House by prayer, during the present session of the legislature.

On motion of Mr. McClelland,

The House took a recess until half past seven o'clock this evening.

Evening Session.

The House met at half past seven, pursuant to adjournment.

The same members were present as previous to the recess.
On motion of Mr. Harbaugh,

The committee of the whole were discharged from the Senate bill "to provide for the payment of the salaries of the state officers, and for other purposes," and the same was taken up for consideration.

The bill was then ordered to a third reading.

On motion of Mr. Harbaugh,

The rule was suspended, the bill read the third time and passed.

On motion, the Senate bill "to provide for the further construction of certain works of internal improvement," was again taken up for consideration.

Mr. Barbour moved the following substitute for the first section of said bill:

"That the sum of three hundred thousand dollars be, and the same is hereby appropriated to be expended upon the Central railroad to complete the same to Jackson, also, iron sufficient to lay the track of the same."

"And that the sum of one hundred thousand dollars be, and the same is hereby appropriated to be expended on the Southern railroad to complete the same to Jonesville, also, iron sufficient to lay the track of the same; that the unexpended balance of appropriation heretofore made on the Clinton and Kalamazoo canal as provided by law, be expended on said work;" which was adopted, by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, |
| Mr. Backus, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Carr, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Kenny, | Mr. Sprague, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cook, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. McDonald, | |

29

NAYS.

| | | |
|--------------|--------------|-------------|
| Mr. Bell, | Mr. Gregory, | Mr. Steele, |
| Mr. Bush, | Mr. Johnson, | Mr. Tucker, |
| Mr. Castle, | Mr. Larue, | Mr. Turner, |
| Mr. Coleman, | Mr. Miller, | Mr. Walker, |

| | | | |
|-------------|-----------------|---------------|----|
| Mr. Foote, | Mr. McReynolds, | Mr. Williams, | |
| Mr. Fuller, | Mr. Sanborn, | Mr. Speaker, | 18 |

Mr. Hammond moved to amend the bill by adding the following to the first section:

"On the St. Joseph river, thirty-five thousand dollars, being the unexpended appropriation of eighteen hundred and thirty-nine;" which was adopted, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Coleman, | Mr. McDonald, |
| Mr. Backus, | Mr. Dunham, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Foote, | Mr. Steele, |
| Mr. Bird, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bush, | Mr. Hart, | Mr. Turner, |
| Mr. Castle, | Mr. Larue, | Mr. Underwood, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Walker, |
| Mr. Champlin, | Mr. McClelland, | Mr. Williams, |
| Mr. Cook, | | |

25

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Barbour, | Mr. Johnson, | Mr. Renwick, |
| Mr. Carr, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Forbes, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Fuller, | Mr. Miller, | Mr. Sprague, |
| Mr. Gregory, | Mr. Moran, | Mr. Tucker, |
| Mr. Harbaugh, | Mr. McReynolds, | Mr. Speaker, |
| Mr. Ingalls, | Mr. Pierce, | |

26

Mr. Bell moved to further amend the first section, by adding the following: "and the unexpended appropriation heretofore made for the construction of a canal around the rapids of Grand river, to be laid out and expended in construction of said work;" which prevailed, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Newton, |
| Mr. Bell, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Bird, | Mr. Johnson, | Mr. Stockton, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. McDonald, | Mr. Walker, |
| Mr. Dunham, | Mr. Miller, | Mr. Williams, |
| Mr. Foote, | Mr. Mulhollan, | |

26

NAYS.

| | | |
|--------------|--------------|--------------|
| Mr. Backus, | Mr. Gregory, | Mr. Pierce, |
| Mr. Barbour, | Mr. Hart, | Mr. Renwick, |

| | | |
|--------------|-----------------|--------------|
| Mr. Carr, | Mr. Harbaugh, | Mr. Spencer, |
| Mr. Cook, | Mr. Kenny, | Mr. Sprague, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Steele, |
| Mr. Forbes, | Mr. Moran, | Mr. Speaker, |
| Mr. Fuller, | Mr. McReynolds, | 20 |

Mr. Bell moved to further amend the first section, by adding the following: "and that so much as may be necessary shall be paid out of the unexpended appropriations heretofore made on the Northern railroad, and the same shall be expended for the purpose of converting said road into a turnpike road, and for constructing the same in such manner as the commissioners of internal improvement shall direct. And whenever the said turnpike, or any part thereof, shall be completed and in good traveling order, the said commissioners shall cause to be erected thereon, a toll gate or toll gates, and to establish and determine such rates of toll to be collected thereat, as the interests of the state and public good may warrant and require, until the said rates shall be established by law;" which prevailed, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Fuller, | Mr. Sanborn, |
| Mr. Bird, | Mr. Hammond, | Mr. Stockton, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Tucker, |
| Mr. Castle, | Mr. Ingalls, | Mr. Turner, |
| Mr. Cathcart, | Mr. Johnson, | Mr. Underwood, |
| Mr. Champlin, | Mr. Larue, | Mr. Walker, |
| Mr. Coleman, | Mr. LeBaron, | Mr. Williams, |
| Mr. Dunham, | Mr. McClelland, | 26 |

NAYS.

| | | |
|--------------|-----------------|--------------|
| Mr. Backus, | Mr. Kenny, | Mr. Pierce, |
| Mr. Barbour, | Mr. McDonald, | Mr. Renwick, |
| Mr. Carr, | Mr. Miller, | Mr. Spencer, |
| Mr. Cook, | Mr. Moran, | Mr. Sprague, |
| Mr. Forbes, | Mr. McReynolds, | Mr. Steele, |
| Mr. Gregory, | Mr. Newton, | Mr. Speaker, |
| Mr. Hart, | | 19 |

Mr. Williams moved to further amend the first section, by adding the following: "and that the sum of twenty thousand dollars be, and the same is hereby appropriated out of the unexpended appropriation heretofore made on the Saginaw ca

nal, for the completion of the Saginaw turnpike, from the village of Flint to Saginaw;" which was negatived, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Coleman, | Mr. Tucker, |
| Mr. Bell, | Mr. Dunham, | Mr. Turner, |
| Mr. Bird, | Mr. Foote, | Mr. Underwood, |
| Mr. Bush, | Mr. McClelland, | Mr. Walker, |
| Mr. Castle, | Mr. Sanborn, | Mr. Williams, |
| Mr. Cathcart, | Mr. Stockton, | |

17

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Backus, | Mr. Harbaugh, | Mr. Mulholland, |
| Mr. Barbour, | Mr. Ingalls, | Mr. McReynolds, |
| Mr. Carr, | Mr. Kenny, | Mr. Newton, |
| Mr. Champlin, | Mr. Larue, | Mr. Pierce, |
| Mr. Cook, | Mr. LeBaron, | Mr. Renwick, |
| Mr. Forbes, | Mr. Lathrop, | Mr. Spencer, |
| Mr. Fuller, | Mr. McDonald, | Mr. Sprague, |
| Mr. Gregory, | Mr. Miller, | Mr. Steele, |
| Mr. Hammond, | Mr. Moran, | Mr. Speaker, |
| Mr. Hart, | | |

28

Mr. Foote moved to further amend the first section, by adding the following: "and the sum of thirty thousand dollars be, and the same is hereby appropriated to be expended in the construction and completion of the Detroit and Pontiac railroad, under the direction of said board of internal improvement: *Provided*, the state shall have become the purchaser and owner of said railroad;" which was also negatived, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Sanborn, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Turner, |
| Mr. Bird, | Mr. Johnson, | Mr. Underwood, |
| Mr. Castle, | Mr. LeBaron, | Mr. Williams, |
| Mr. Champlin, | Mr. McReynolds, | |

14

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Backus, | Mr. Hammond, | Mr. Newton, |
| Mr. Barbour, | Mr. Hart, | Mr. Pierce, |
| Mr. Bush, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Carr, | Mr. Kenny, | Mr. Spencer, |
| Mr. Cathcart, | Mr. Larue, | Mr. Sprague, |
| Mr. Cook, | Mr. Lathrop, | Mr. Steele, |
| Mr. Coleman, | Mr. McClelland, | Mr. Stockton, |
| Mr. Dunham, | Mr. McDonald, | Mr. Tucker, |
| Mr. Forbes, | Mr. Miller, | Mr. Walker, |

| | | | |
|--------------|----------------|--------------|----|
| Mr. Fuller, | Mr. Moran, | Mr. Speaker, | |
| Mr. Gregory, | Mr. Mulhollan, | | 32 |

Mr. Renwick moved to amend the bill, by striking out all after the enacting clause of the same, and inserting in lieu thereof, House bill number eighty-nine.

On motion of Mr. McReynolds,

A division of the question was ordered, and the motion to strike out prevailed, as follows:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Backus, | Mr. Hart, | Mr. Pierce, | |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Renwick, | |
| Mr. Bird, | Mr. Johnson, | Mr. Spencer, | |
| Mr. Bush, | Mr. Kenny, | Mr. Sprague, | |
| Mr. Carr, | Mr. Larue, | Mr. Steele, | |
| Mr. Cathcart, | Mr. McDonald, | Mr. Turner, | |
| Mr. Forbes, | Mr. Moran, | Mr. Williams, | |
| Mr. Fuller, | Mr. McReynolds, | Mr. Speaker, | |
| Mr. Gregory, | Mr. Newton, | | 26 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Foote, | Mr. Mulhollan, | |
| Mr. Bell, | Mr. Hammond, | Mr. Sanborn, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Stockton, | |
| Mr. Champlin, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Cook, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Coleman, | Mr. Miller, | Mr. Walker, | |
| Mr. Dunham, | | | 19 |

The question then recurring upon inserting House bill number eighty-nine,

Mr. McReynolds moved to lay the whole subject upon the table; which motion was negatived, as follows:

YEAS.

| | | | |
|--------------|-----------------|---------------|----|
| Mr. Bell, | Mr. Fuller, | Mr. Steele, | |
| Mr. Bush, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Castle, | Mr. Johnson, | Mr. Walker, | |
| Mr. Coleman, | Mr. McReynolds, | Mr. Williams, | |
| Mr. Foote, | Mr. Sanborn, | | 14 |

NAYS.

| | | | |
|---------------|-----------------|----------------|--|
| Mr. Ashman, | Mr. Hammond, | Mr. Mulhollan, | |
| Mr. Backus, | Mr. Hart, | Mr. Newton, | |
| Mr. Barbour, | Mr. Harbaugh, | Mr. Pierce, | |
| Mr. Bird, | Mr. Kenny, | Mr. Renwick, | |
| Mr. Carr, | Mr. Larue, | Mr. Spencer, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Sprague, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Stockton, | |

Mr. Cook,
Mr. Dunham,
Mr. Forbes,
Mr. Gregory,

Mr. McDonald,
Mr. Miller,
Mr. Moran,

Mr. Turner,
Mr. Underwood,
Mr. Speaker,

31

The question again recurring upon Mr. Renwick's motion to insert House bill number eighty-nine,

Mr. McReynolds moved to amend the amendment by striking out in the first line of the first section, "three hundred thousand dollars," and inserting "one million dollars;" which motion was lost, by yeas and nays, as follows:

YEAS.

Mr. Coleman,
Mr. Fuller,
Mr. Gregory,

Mr. Hart,
Mr. Lathrop,
Mr. Moran,

Mr. McReynolds,
Mr. Steele,

8

NAYS.

Mr. Ashman,
Mr. Backus,
Mr. Barbour,
Mr. Bell,
Mr. Bird,
Mr. Bush,
Mr. Button,
Mr. Carr,
Mr. Castle,
Mr. Cathcart,
Mr. Champlin,
Mr. Cook,
Mr. Dunham,

Mr. Foote,
Mr. Forbes,
Mr. Hammond,
Mr. Harbaugh,
Mr. Ingalls,
Mr. Johnson,
Mr. Kenny,
Mr. Larue,
Mr. LeBaron,
Mr. McDonald,
Mr. Miller,
Mr. Mulhollan,
Mr. Newton,

Mr. Pierce,
Mr. Renwick,
Mr. Sanborn,
Mr. Spencer,
Mr. Sprague,
Mr. Stockton,
Mr. Tucker,
Mr. Turner,
Mr. Underwood,
Mr. Walker,
Mr. Williams,
Mr. Speaker,

38

The question again recurring upon the motion of Mr. Renwick.

Mr. McClelland moved to amend the amendment by striking out "Hillsdale," wherever it occurs in the same, and inserting in lieu thereof "Jonesville," which motion prevailed.

The question again recurring upon the motion of Mr. Renwick.

Mr. Bell moved to amend the amendment by adding the following: "for the construction of the canal around the rapids of Grand River, twenty-five thousand dollars, being the last year's appropriation;" which was lost, as follows:

YEAS.

Mr. Bell,

Mr. Ingalls,

Mr. Stockton,

| | | |
|--------------|-----------------|----------------|
| Mr. Bird, | Mr. LeBaron, | Mr. Tucker, |
| Mr. Castle, | Mr. McClelland, | Mr. Turner, |
| Mr. Coleman, | Mr. Miller, | Mr. Underwood, |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Foote, | Mr. Sanborn, | Mr. Williams, |
| Mr. Hammond, | Mr. Steele, | |

20

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Backus, | Mr. Gregory, | Mr. Moran, |
| Mr. Barbour, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Button, | Mr. Johnson, | Mr. Pierce, |
| Mr. Carr, | Mr. Kenny, | Mr. Renwick, |
| Mr. Cathcart, | Mr. Larue, | Mr. Spencer, |
| Mr. Cook, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Forbes, | Mr. McDonald, | Mr. Speaker, |
| Mr. Fuller, | | |

25

Mr. Steele then moved an amendment to the amendment offered by Mr. Renwick, by substituting the following for the 5th and 6th lines of the first section "six hundred thousand dollars to be expended in the construction of the Central railroad;" which was also lost, by the following vote :

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Barbour, | Mr. Gregory, | Mr. Moran, |
| Mr. Castle, | Mr. Hart, | Mr. McReynolds, |
| Mr. Champlin, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Cook, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Coleman, | Mr. Lathrop, | Mr. Steele, |
| Mr. Fuller, | Mr. Miller, | Mr. Speaker, |

18

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Forbes, | Mr. Pierce, |
| Mr. Backus, | Mr. Hammond, | Mr. Spencer, |
| Mr. Bell, | Mr. Ingalls, | Mr. Sprague, |
| Mr. Bird, | Mr. Kenny, | Mr. Stockton, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |
| Mr. Button, | Mr. LeBaron, | Mr. Turner, |
| Mr. Carr, | Mr. McClelland, | Mr. Underwood, |
| Mr. Cathcart, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Dunham, | Mr. Newton, | Mr. Williams, |
| Mr. Foote, | | |

28

The question again recurring on the motion of Mr. Renwick, Mr. Tucker moved to amend the amendment, by adding the following :

"And the sum of fifty thousand dollars to be paid out of the

unexpended appropriation heretofore made on the northern railroad, for the purpose of improving and converting said road into a public highway, in such manner as the board of internal improvement shall direct. And the further sum of fifty thousand dollars to be expended on the Southern railroad between Adrian and Jonesville."

On motion of Mr. Renwick,

The division of the question was ordered, so that the question be taken on each proposition separately.

And the House refused to adopt that portion of the amendment relating to the Northern railroad, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Stockton, |
| Mr. Bell, | Mr. Hammond, | Mr. Tucker, |
| Mr. Bird, | Mr. Ingalls, | Mr. Turner, |
| Mr. Castle, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Coleman, | Mr. Sanborn, | Mr. Williams, |
| Mr. Dunham, | | |

19

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Backus, | Mr. Gregory, | Mr. Moran, |
| Mr. Barbour, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bush, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Button, | Mr. Johnson, | Mr. Pierce, |
| Mr. Carr, | Mr. Kenny, | Mr. Renwick, |
| Mr. Cathcart, | Mr. Larue, | Mr. Spencer, |
| Mr. Cook, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Forbes, | Mr. McDonald, | Mr. Steele, |
| Mr. Fuller, | Mr. Miller, | Mr. Speaker, |

27

And the House also refused to adopt that portion relating to the Southern railroad, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Foote, | Mr. Tucker, |
| Mr. Bird, | Mr. Fuller, | Mr. Turner, |
| Mr. Castle, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. Newton, | Mr. Williams, |
| Mr. Dunham, | | |

13

NAYS.

| | | |
|--------------|--------------|-----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. McReynolds, |
| Mr. Backus, | Mr. Hart, | Mr. Pierce, |
| Mr. Barbour, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bush, | Mr. Johnson, | Mr. Sanborn, |

| | | |
|---------------|----------------|---------------|
| Mr. Button, | Mr. Kenny, | Mr. Spencer, |
| Mr. Carr, | Mr. Larue, | Mr. Sprague, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Steele, |
| Mr. Cook, | Mr. McDonald, | Mr. Stockton, |
| Mr. Coleman, | Mr. Miller, | Mr. Walker, |
| Mr. Forbes, | Mr. Moran, | Mr. Speaker, |
| Mr. Gregory, | Mr. Mulhollan, | |

32

The question yet recurring upon the adoption of Mr. Renwick's amendment,

Mr. McReynolds offered a substitute therefor.

On motion of Mr. Foote,

A division of the question was so ordered as to take the question on each proposition separately.

And the question being taken upon the first division of the question, appropriating eight hundred thousand dollars upon the Central railroad, the same was negatived, as follows:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Backus, | Mr. Forbes, | Mr. Miller, |
| Mr. Barbour, | Mr. Fuller, | Mr. Moran, |
| Mr. Castle, | Mr. Gregory, | Mr. McReynolds, |
| Mr. Cook, | Mr. Hart, | Mr. Sanborn, |
| Mr. Foote, | Mr. Harbaugh, | Mr. Steele, |

15

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bell, | Mr. Ingalls, | Mr. Spencer, |
| Mr. Bird, | Mr. Johnson, | Mr. Sprague, |
| Mr. Bush, | Mr. Kenny, | Mr. Stockton, |
| Mr. Button, | Mr. Larue, | Mr. Tucker, |
| Mr. Carr, | Mr. McClelland, | Mr. Turner, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Underwood, |
| Mr. Champlin, | Mr. Mulhollan, | Mr. Walker, |
| Mr. Coleman, | Mr. Newton, | Mr. Williams, |
| Mr. Dunham, | Mr. Pierce, | Mr. Speaker, |

30

The question then being upon the second proposition, Mr. McReynolds withdrew his amendment.

The question again recurring upon the motion of Mr. Renwick,

Mr. Williams moved to amend the same, by adding the following: "that the sum of two hundred thousand dollars be, and the same is hereby appropriated for the purchase and completion of the Detroit and Pontiac railroad;" which motion was rejected, by yeas and nays, as follows:

YEAS.

| | | | |
|-------------|-----------------|---------------|---|
| Mr. Bell, | Mr. Foote, | Mr. Sanborn, | |
| Mr. Bird, | Mr. Johnson, | Mr. Turner, | |
| Mr. Castle, | Mr. McReynolds, | Mr. Williams, | 9 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Forbes, | Mr. Moran, | |
| Mr. Backus, | Mr. Fuller, | Mr. Mulhollan, | |
| Mr. Barbour, | Mr. Gregory, | Mr. Newton, | |
| Mr. Bush, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Button, | Mr. Hart, | Mr. Renwick, | |
| Mr. Carr, | Mr. Harbaugh, | Mr. Spencer, | |
| Mr. Cathcart, | Mr. Ingalls, | Mr. Sprague, | |
| Mr. Champlin, | Mr. Larue, | Mr. Steele, | |
| Mr. Cook, | Mr. McClelland, | Mr. Tucker, | |
| Mr. Coleman, | Mr. McDonald, | Mr. Speaker, | |
| Mr. Dunham, | Mr. Miller, | | 32 |

Mr. McClelland moved to amend the amendment offered by Mr. Renwick, by adding the following: "for the construction of the Southern railroad between Adrian and Jonesville, one hundred thousand dollars, besides the iron;" which amendment prevailed, by the following vote:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Ashman, | Mr. Dunham, | Mr. Sanborn, | |
| Mr. Bell, | Mr. Foote, | Mr. Sprague, | |
| Mr. Bird, | Mr. Fuller, | Mr. Stockton, | |
| Mr. Button, | Mr. Hammond, | Mr. Tucker, | |
| Mr. Castle, | Mr. Ingalls, | Mr. Turner, | |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Underwood, | |
| Mr. Champlin, | Mr. McClelland, | Mr. Walker, | |
| Mr. Coleman, | Mr. Mulhollan, | Mr. Williams, | 24 |

NAYS.

| | | | |
|--------------|---------------|-----------------|----|
| Mr. Backus, | Mr. Hart, | Mr. Moran, | |
| Mr. Barbour, | Mr. Harbaugh, | Mr. McReynolds, | |
| Mr. Bush, | Mr. Johnson, | Mr. Pierce, | |
| Mr. Carr, | Mr. Kenny, | Mr. Renwick, | |
| Mr. Cook, | Mr. Larue, | Mr. Spencer, | |
| Mr. Forbes, | Mr. McDonald, | Mr. Steele, | |
| Mr. Gregory, | Mr. Miller, | Mr. Speaker, | 21 |

The question again recurring upon Mr. Renwick's amendment,

On motion of Mr. Underwood, the whole subject was again laid upon the table.

The Chair announced the following messages from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the "Bill to exempt grain while growing and other unharvested crops from sale under execution," and inform you respectfully, that the Senate have receded from their amendment, and passed the bill accordingly.

D. W. KELLOGG,
Secretary of the Senate.

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I herewith transmit by direction of the Senate, a "Bill relative to the Detroit and Pontiac railroad company," and a "Joint resolution relative to publishing school act," &c.; both of which the Senate have passed, and respectfully ask the concurrence of the House.

D. W. KELLOGG,
Secretary of the Senate.

The "Bill relative to the Detroit and Pontiac railroad company," and the "Joint resolution relative to publishing school acts," &c., were severally twice read and referred to the committee of the whole.

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return the "Bill relative to the distribution of the revised statutes," which the Senate have passed with amendments and respectfully ask the concurrence of the House of Representatives.

D. W. KELLOGG,
Secretary of the Senate.

And the House concurred in the amendments made by the Senate to the "Bill relative to a distribution of the revised statutes," and passed the same accordingly.

SENATE CHAMBER, }
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to return herewith the "Bill to provide for the payment of certain claims," which the Senate has passed with sundry amendments, and respectfully ask the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

And the House concurred in the first amendment made to said bill. The second amendment being under consideration, it being the claim of J. Kearsley, for investigating the affairs of the State bank,

Mr. Turner moved to amend the same by striking out "thirty dollars," and inserting in lieu thereof "one hundred and fifty dollars;" which motion did not prevail, and the amendment of the Senate was then concurred in.

The amendment relative to the claim of B. F. H. Witherell, being under consideration,

Mr. Tucker moved to amend the same by adding the following thereto: "and to the following officers of the militia for their services as members of a brigade court martial, held at the city of Detroit, on the 20th day of March, A. D., 1839, for the trial of captain Levi W. Beebe: to lieutenant colonel Harry Saunders, president, six dollars; to major William P. Patrick, member, six dollars; to captain L. H. Ensign, member, six dollars; to captain John F. Kirk, member, six dollars; to lieutenant Benjamin E. Knapp, member, six dollars; to lieutenant William J. Redman, marshal to the board, six dollars; to William J. Redman, for stationery furnished the board, one dollar. And a further sum to E. A. Theller, for twenty-four numbers of the Spirit of '76, furnished to the members of the House of Representatives, seventy-two dollars.

Which amendment prevailed, and the amendment of the Senate as amended by the House, was adopted.

On motion of Mr. McClelland,

The vote concurring in the amendment of the Senate relative

to the claim of J. Kearsley, was re-considered, and the question recurring on concurring in said amendment,

Mr. McClelland moved to strike out the same; which motion prevailed, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Hart, | Mr. Pierce, |
| Mr. Bell, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bird, | Mr. Johnson, | Mr. Sanborn, |
| Mr. Bush, | Mr. Kenny, | Mr. Spencer, |
| Mr. Button, | Mr. Larue, | Mr. Sprague, |
| Mr. Castle, | Mr. LeBaron, | Mr. Stockton, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Tucker, |
| Mr. Champlin, | Mr. McDonald, | Mr. Turner, |
| Mr. Cook, | Mr. Miller, | Mr. Underwood, |
| Mr. Dunham, | Mr. Moran, | Mr. Walker, |
| Mr. Forbes, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Fuller, | Mr. Newton, | Mr. Speaker, |
| Mr. Gregory, | | |

37

NAYS.

| | | |
|--------------|-----------|-----------------|
| Mr. Backus, | Mr. Carr, | Mr. McReynolds, |
| Mr. Barbour, | | |

4

The House non-concurred in the amendment relative to the claim of S. Kimball.

The House also non-concurred in the amendment relative to the respective claims of V. S. Aikin, Andrew Shaver, L. Bascomb and W. P. Russell.

The amendment relative to the claim of L. Bruce, being under consideration,

Mr. LeBaron moved to amend the same by adding the following: "to Alexander G. Abell, fifty dollars for services as clerk of the committee on internal improvement of the House of Representatives;" which motion did not prevail.

The amendment of the Senate was then concurred in.

The amendment allowing the secretary of the Senate two hundred dollars for superintending the publication of the journals and documents of the Senate, being under consideration,

On motion of Mr. Speaker,

The same was amended by striking out two hundred dollars, and inserting in lieu thereof "one hundred and fifty."

The Chair announced the following message from the Senate, by, Mr. Kellogg their Secretary:

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to return the “Bill to amend an act entitled ‘An act to incorporate the village of Ypsilanti, and the act or acts amendatory thereof,’ which the Senate have passed.

D. W. KELLOGG,
Secretary of the Senate.

The Chair announced the following message from the Executive:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State:

An act entitled “An act to regulate and prescribe the amount of fees.”

Also, a joint resolution entitled a “Joint resolution requiring the board of internal improvement to pay over to the State Treasurer all uncurrent funds in their hands, and for other purposes.”

Also, a preamble and joint resolution entitled “Preamble and joint resolution concerning the reception of returns of delinquent taxes by the Auditor General.”

WILLIAM WOODBRIDGE.

Executive Office, March 30, 1840.

Also, the following:

To the House of Representatives:

I have this day approved, signed and deposited in the office of the Secretary of State, an act entitled “An act to incorporate the Jackson county mutual fire insurance company.”

WILLIAM WOODBRIDGE.

Executive Office, April 1, 1840.

On motion of Mr. Turner,

The House took up for consideration, the “Joint resolution transferring certain duties from the State Geologist to the board of internal improvement.”

The same was read the third time and passed.

On motion of Mr. Hammond,

The House took up the bill returned from the Senate "relating to primary schools." The amendments made by the Senate to the bill were concurred in, and the bill passed accordingly.

Mr. McReynolds offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That a joint resolution providing that the Legislature adjourn on the first day of April, 1840, be and the same is hereby repealed.

Mr. Speaker moved to suspend the rule, that the resolution might be considered; which motion was negatived, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Backus, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Barbour, | Mr. Johnson, | Mr. Sprague, |
| Mr. Bird, | Mr. Kenny, | Mr. Steele, |
| Mr. Champlin, | Mr. Lathrop, | Mr. Stockton, |
| Mr. Cook, | Mr. McClelland, | Mr. Tucker, |
| Mr. Dunham, | Mr. Miller, | Mr. Underwood, |
| Mr. Fuller, | Mr. McReynolds, | Mr. Williams, |
| Mr. Gregory, | Mr. Pierce, | Mr. Speaker, |
| Mr. Hart, | | |

28

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Bell, | Mr. Foote, | Mr. Mulhollan, |
| Mr. Bush, | Mr. Hammond, | Mr. Newton, |
| Mr. Carr, | Mr. Larue, | Mr. Spencer, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McDonald, | Mr. Walker, |
| Mr. Coleman, | | |

16

Mr. LeBaron, from the committee on enrolment, reported as correctly enrolled:

"An act to provide for certain claims therein named."

Also, "An act to exempt grain, while growing, and other unharvested crops from sale under execution."

Also, "An act to amend the revised statutes."

Also, "An act relative to primary schools."

Also, "An act making appropriations for continuing the building of the state prison."

Also, "An act to amend an act, entitled 'An act to incorpo-

rate the village of Ypsilanti, and the act or acts amendatory thereof.' "

And also, a " Joint resolution, canceling a judgment against Benjamin Drake."

Also, a " Joint resolution authorizing the board of internal improvement, to build a car house in the city of Detroit."

On motion of Mr. Hammond,

The committee of the whole were discharged from the "Joint resolution relative to the publication of the school law," and the same was taken up for consideration.

The resolution was then ordered to a third reading.

On motion of Mr. Hammond,

The rule was suspended, the bill read the third time and passed.

On motion of Mr. Coleman,

The vote refusing to suspend the rule on Mr. McReynolds' joint resolution, "rescinding the resolution relative to the adjournment of the Legislature," was re-considered.

And the question recurring upon suspending the rule, requiring joint resolutions to lie upon the table for one day, the same prevailed, as follows:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Backus, | Mr. Ingalls, | Mr. Pierce, |
| Mr. Barbour, | Mr. Johnson, | Mr. Renwick, |
| Mr. Bird, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Bush, | Mr. Larue, | Mr. Spencer, |
| Mr. Carr, | Mr. LeBaron, | Mr. Sprague, |
| Mr. Castle, | Mr. McClelland, | Mr. Steele, |
| Mr. Coleman, | Mr. McDonald, | Mr. Stockton, |
| Mr. Dunham, | Mr. Miller, | Mr. Tucker, |
| Mr. Fuller, | Mr. Moran, | Mr. Underwood, |
| Mr. Gregory, | Mr. Mulhollan, | Mr. Williams, |
| Mr. Hart, | Mr. McReynolds, | Mr. Speaker, |

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NAYS.

| | | |
|---------------|--------------|-------------|
| Mr. Bell, | Mr. Hammond, | Mr. Turner, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Walker, |
| Mr. Champlin, | | |

7

The resolution then being under consideration, Mr. Renwick offered the following substitute:

Resolved by the Senate and House of Representatives of the State of Michigan, That the "Joint resolution, fixing upon the first day of April for the adjournment of this Legislature be, and the same is hereby rescinded; and further, that this Legislature will adjourn on the second of April instant.

Which substitute was accepted by Mr. McReynolds.

And the resolution was then read the third time and passed, by the following vote:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. Renwick, |
| Mr. Barbour, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Bird, | Mr. Johnson, | Mr. Spencer, |
| Mr. Bush, | Mr. Kenny, | Mr. Sprague, |
| Mr. Carr, | Mr. Larue, | Mr. Steele, |
| Mr. Cook, | Mr. McClelland, | Mr. Stockton, |
| Mr. Dunham, | Mr. McDonald, | Mr. Tucker, |
| Mr. Fuller, | Mr. Miller, | Mr. Underwood, |
| Mr. Gregory, | Mr. McReynolds, | Mr. Williams, |
| Mr. Hart, | Mr. Pierce, | Mr. Speaker, |

30

NAYS.

| | | |
|---------------|--------------|-------------|
| Mr. Bell, | Mr. Hammond, | Mr. Turner, |
| Mr. Cathcart, | Mr. LeBaron, | Mr. Walker, |
| Mr. Champlin, | | |

7

On motion of Mr. Speaker,

The "Bill to provide for the further construction of certain works of internal improvement," was again taken up for consideration; and the question being upon Mr. Renwick's motion to insert House bill number eighty-nine,

Mr. Kenny offered a substitute therefor, appropriating three hundred thousand dollars besides the iron, for the construction of the Central railroad between Ann Arbor and Jackson; which was adopted, as follows:

YEAS.

| | | |
|--------------|---------------|--------------|
| Mr. Ashman, | Mr. Hart, | Mr. Newton, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Barbour, | Mr. Johnson, | Mr. Renwick, |
| Mr. Bush, | Mr. Kenny, | Mr. Sanborn, |
| Mr. Carr, | Mr. Larue, | Mr. Spencer, |
| Mr. Cook, | Mr. Lathrop, | Mr. Sprague, |
| Mr. Foote, | Mr. Miller, | Mr. Steele, |

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Bird, | Mr. Ingalls, | Mr. Tucker, | |
| Mr. Castle, | Mr. Johnson, | Mr. Turner, | |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, | |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Walker, | |
| Mr. Foote, | Mr. Sanborn, | Mr. Williams, | 18 |

The Chair announced the following messages from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER, }
 Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform you, respectfully, that the Senate refuse to suspend the rule requiring joint resolutions to lie on the table one day, consequently, the joint resolution "relative to the adjournment," was laid upon the table.

D. W. KELLOGG,
Secretary of the Senate.

SENATE CHAMBER, }
 Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "Bill to provide for certain claims therein named," and inform you that the Senate insist on their amendments, and have appointed a committee of conference on their part, consisting of Messrs. Etheridge, McCamly and LeRoy, and request a like committee on the part of the House of Representatives.

Also, that the "Joint resolution respecting the claim of the state against W. Ford & Son," was lost in the Senate.

D. W. KELLOGG,
Secretary of the Senate.

On motion of Mr. LeBaron,

A committee of conference on the part of the House was appointed to confer with the committee on the part of the Senate, on the "Bill to provide for certain claims therein named," consisting of Messrs. Tucker, Lathrop and Stockton.

The Speaker resumed the Chair.

Mr. McClelland offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be, and he is hereby directed to draw his warrant upon the Treasurer of this State for the amount of the account of Sheldon McKnight; for postage due him on account of the members of this Legislature.

On motion of Mr. McClelland, the rule was suspended and the resolution read.

Mr. Tucker, from the committee of conference on the "Bill to provide for certain claims therein named," reported that the committee had agreed to certain amendments made thereto; which report was adopted, and the bill passed accordingly.

The Chair announced the following message from the Executive:

EXECUTIVE OFFICE,
April 1, 12 o'clock, night, 1840. }

To the Senate and House of Representatives :

GENTLEMEN—There has been deposited with me, within the last hour, six bills, some of which are very long and which I have not had time to examine, having when they reached me, before me the important bill concerning justices of the peace, (of some forty pages) and which I have not yet one half read. I conceive, as at present advised, that it is not competent for me to sign any bill and to give to it the effect of a law, after the Legislature shall have adjourned. Under such circumstances, I feel myself compelled to recommend the rescinding of a joint resolution which I have understood had met with the assent of both houses, for an adjournment this day.

WILLIAM WOODBRIDGE.

Which was ordered to lie upon the table.

On motion of Mr. Tucker,

The House took up for consideration the "Joint resolution for the relief of John M. Willson."

On motion of Mr. Tucker,

The same was amended by filling the blank with "1840."

And the question being upon the passage of the resolution, as amended, the same did not prevail.

The Speaker called Mr. Harbaugh to the chair.

On motion of Mr. Speaker,

The committee of the whole were discharged from the consideration of the Senate bill "relative to the Detroit and Pontiac railroad company," and the same was taken up by the House for consideration.

The bill was ordered to a third reading.

On motion of Mr. Bell,

The rule was suspended, the bill read the third time and passed, by the following vote:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Dunham, | Mr. McClelland, |
| Mr. Backus, | Mr. Foote, | Mr. Miller, |
| Mr. Barbour, | Mr. Hammond, | Mr. Mulhollan, |
| Mr. Bell, | Mr. Hart, | Mr. Newton, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Sprague, |
| Mr. Bush, | Mr. Ingalls, | Mr. Steele, |
| Mr. Carr, | Mr. Johnson, | Mr. Stockton, |
| Mr. Castle, | Mr. Kenny, | Mr. Tucker, |
| Mr. Cathcart, | Mr. Larue, | Mr. Turner, |
| Mr. Champlin, | Mr. LeBaron, | Mr. Underwood, |
| Mr. Cook, | Mr. Lathrop, | Mr. Williams, |

NAYS.

Mr. McDonald,

1

The Chair announced the following message from the Senate, by their Secretary, Mr. Kellogg:

SENATE CHAMBER,
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate, to inform you respectfully, that the "Bill for the settlement of disputed township lines," was lost in the Senate.

Also, that the Senate have passed a "Bill to provide for the re-locating of the county seat of Macomb county," and respectfully request the concurrence of the House of Representatives therein.

Also, to transmit a "Bill defining the place of holding the circuit court for the county of Eaton," which the Senate have

passed, and respectfully request the concurrence of the House of Representatives therein.

D. W. KELLOGG,

Secretary of the Senate.

And the "Bill to provide for the re-locating of the county seat of Macomb county," and the "Bill defining the place of holding the circuit courts for the county of Eaton," were severally read and referred to the committee of the whole.

On motion of Mr. Hammond,

The committee, of the whole were discharged from the consideration of the "Bill to provide for the re-location of the county seat of Macomb county," and the same was taken up for consideration; and the question being upon ordering said bill to a third reading,

On motion of Mr. Bell, a call of the House was ordered; and on calling the roll, the following members were absent without leave: Messrs. Brown, Bush, Button, Cook, Coleman, Dunham, Kenny, Sanborn, Spencer, Steele and Williams.

Mr. Bell asked and obtained leave of absence for Messrs. Brown and Steele.

Mr. Ingalls for Mr. Button.

Mr. Turner for Mr. Axford.

Mr. Tucker for Mr. Forbes.

On motion of Mr. Bell,

The sergeant-at-arms was directed to bring in those absent without leave.

On motion of Mr. Tucker, the further proceedings under the call were dispensed with.

The question recurring upon ordering the "Bill to provide for the re-locating of the county seat of Macomb county," to a third reading,

Mr. Pierce moved to amend the same by striking out the word "two," in the second section, and inserting in lieu thereof the word "six."

Mr. Fuller moved to amend the amendment by striking out of said bill, all after the enacting clause; which motion prevailed, by the following vote:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Foote, | Mr. Moran, |
| Mr. Backus, | Mr. Fuller, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Gregory, | Mr. Stockton, |
| Mr. Bell, | Mr. Harbaugh, | Mr. Tucker, |
| Mr. Bush, | Mr. Johnson, | Mr. Turner, |
| Mr. Carr, | Mr. Kenny, | Mr. Underwood, |
| Mr. Castle, | Mr. Larue, | Mr. Speaker, |
| Mr. Cook, | Mr. McDonald, | |

23

NAYS.

| | | |
|----------------|--------------|--------------|
| Mr. Cathcart, | Mr. Pierce, | Mr. Sprague, |
| Mr. Hart, | Mr. Sanborn, | Mr. Walker, |
| Mr. Mulhollan, | | |

7

On motion of Mr. McReynolds,

The further consideration of the enacting clause was indefinitely postponed.

On motion of Mr. Speaker,

The committee of the whole was discharged from the further consideration of the Senate bill "defining the place of holding the circuit court for the county of Eaton."

And the same was taken up for consideration.

Mr. Pierce moved to amend the same, by striking out in the third line of the first section, the words "county seat."

Mr. Bush moved to amend the amendment by striking out of said bill all after the enacting clause; which motion prevailed.

On motion of Mr. Bush,

The further consideration of the enacting clause of said bill was indefinitely postponed.

The Chair announced the following message from the Senate, by Mr. Kellogg, their Secretary:

SENATE CHAMBER, }
Wednesday, April 1, 1840. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to inform you, respectfully, that the amendments by the House to the "Bill to provide for the payment of certain claims therein named," have been concurred in by the Senate, and the bill passed accordingly.

D. W. KELLOGG,
Secretary of the Senate.

Mr. Renwick offered the following:

Resolved, That this House take a recess, to meet again at nine o'clock.

Which, on motion of Mr. Tucker, was laid upon the table.

Mr. Lathrop moved that the House take a recess for seven hours; which motion was negatived, as follows:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Hart, | Mr. McReynolds, |
| Mr. Backus, | Mr. Harbaugh, | Mr. Newton, |
| Mr. Barbour, | Mr. Kenny, | Mr. Sprague, |
| Mr. Bush, | Mr. Larue, | Mr. Tucker, |
| Mr. Cook, | Mr. McDonald, | Mr. Williams, |
| Mr. Foote, | Mr. Miller, | Mr. Speaker, |

18

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bell, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bird, | Mr. Ingalls, | Mr. Sanborn, |
| Mr. Carr, | Mr. Johnson, | Mr. Stockton, |
| Mr. Castle, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. McClelland, | Mr. Underwood, |
| Mr. Champlin, | Mr. Moran, | Mr. Walker, |
| Mr. Gregory, | Mr. Mulhollan, | |

20

Mr. Tucker moved a call of the House; which was negatived, by the following vote:

YEAS.

| | | |
|---------------|------------|-----------------|
| Mr. Carr, | Mr. Foote, | Mr. McClelland, |
| Mr. Champlin, | Mr. Hart, | Mr. Walker, |
| Mr. Dunham, | Mr. Larue, | |

8

NAYS.

| | | |
|---------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Mulhollan, |
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Barbour, | Mr. Ingalls, | Mr. Renwick, |
| Mr. Bell, | Mr. Johnson, | Mr. Sprague, |
| Mr. Bird, | Mr. Kenny, | Mr. Stockton, |
| Mr. Bush, | Mr. LeBaron, | Mr. Turner, |
| Mr. Cathcart, | Mr. Miller, | Mr. Williams, |
| Mr. Cook, | Mr. Moran, | |

23

On motion of Mr. Bush,

The House, in committee of the whole, resumed the consideration of the "Bill to provide for the removal of the seat of government;" Mr. Bush in the chair.

After spending some time thereon, the committee rose and reported the same back to the House with sundry amendments.

Also, an act entitled "An act relative to the Auditor General and State Treasurer, and the offices of both."

WILLIAM WOODBRIDGE.

Executive Office, April 1, 1840.

Mr. Hammond, from the special committee appointed to wait upon the Executive for the purpose of ascertaining whether he had any further communication to make to this Legislature, reported that the committee had discharged the duty assigned them, and had received an answer from the Executive that he had further communication to make to the Legislature, which would require him several hours to prepare.

Mr. Foote moved that the House take a recess for six hours, which motion was negatived, as follows:

YEAS.

| | | | |
|---------------|---------------|---------------|---|
| Mr. Ashman, | Mr. Foote, | Mr. McDonald, | |
| Mr. Backus, | Mr. Hart, | Mr. Miller, | |
| Mr. Champlin, | Mr. Harbaugh, | Mr. Sprague, | 9 |

NAYS.

| | | | |
|--------------|-----------------|----------------|----|
| Mr. Bell, | Mr. Johnson, | Mr. Sanborn, | |
| Mr. Bird, | Mr. Kenny, | Mr. Stockton, | |
| Mr. Carr, | Mr. LeBaron, | Mr. Tucker, | |
| Mr. Castle, | Mr. McClelland, | Mr. Turner, | |
| Mr. Dunham, | Mr. Mulhollan, | Mr. Underwood, | |
| Mr. Gregory, | Mr. McReynolds, | Mr. Walker, | |
| Mr. Hammond, | Mr. Pierce, | Mr. Williams, | 21 |

On motion of Mr. Ashman, the House took up the following resolution, and passed the same.

Resolved, That the thanks of this House be cordially tendered to the Hon. Henry Acker, for the able, impartial and courteous manner in which he has discharged the duties of Speaker of this House during this present session.

Mr. Hammond moved that a committee of two be appointed to wait upon the Senate, and inform them that the House is now ready to adjourn.

On motion of Mr. McReynolds, the motion of Mr. Hammond was laid upon the table.

On motion of Mr. Bell,

The vote on the passing of the "Bill relative to the Detroit and Pontiac railroad company," was re-considered.

The question recurring upon the passing of the bill, the same was again passed with amendments.

Mr. Turner moved that the House adjourn, *sine die*; which motion was negatived, as follows:

YEAS.

| | | |
|--------------|-----------------|----------------|
| Mr. Castle, | Mr. McClelland, | Mr. Underwood, |
| Mr. Dunham, | Mr. Stockton, | Mr. Walker, |
| Mr. Hammond, | Mr. Tucker, | Mr. Williams, |
| Mr. Hart, | Mr. Turner, | |

11

NAYS.

| | | |
|-------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Miller, |
| Mr. Backus, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Bell, | Mr. Johnson, | Mr. Pierce, |
| Mr. Carr, | Mr. Lathrop, | Mr. Renwick, |
| Mr. Cook, | Mr. McDonald, | Mr. Sprague, |

15

Mr. Bell moved a re-consideration of the vote, by which the House refused to adjourn; which motion was also negatived, as follows:

YEAS.

| | | |
|-------------|-----------------|----------------|
| Mr. Bell, | Mr. Hammond, | Mr. Underwood, |
| Mr. Bird, | Mr. McClelland, | Mr. Walker, |
| Mr. Castle, | Mr. Stockton, | Mr. Williams, |
| Mr. Dunham, | Mr. Tucker, | Mr. Speaker, |
| Mr. Foote, | Mr. Turner, | |

14

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Ashman, | Mr. Harbaugh, | Mr. McReynolds, |
| Mr. Backus, | Mr. Johnson, | Mr. Pierce, |
| Mr. Carr, | Mr. Lathrop, | Mr. Renwick, |
| Mr. Cook, | Mr. McDonald, | Mr. Sanborn, |
| Mr. Gregory, | Mr. Miller, | Mr. Sprague, |
| Mr. Hart, | | |

16

Mr. Miller moved that the House take a recess for four hours.

Mr. Tucker moved to amend the same, by striking out "four hours," and inserting in lieu thereof, "one year."

The Speaker decided the motion to be out of order, as the members of the present Legislature have no right to adjourn it to a period beyond that for which they were elected.

Mr. Tucker appealed from the decision of the Chair, and the question being, "shall the decision of the Chair stand as the judgment of the House?" the same prevailed, by the following vote:

YEAS.

| | | |
|-------------|---------------|-----------------|
| Mr. Ashman, | Mr. Hart, | Mr. McReynolds, |
| Mr. Backus, | Mr. Johnson, | Mr. Pierce, |
| Mr. Bird, | Mr. Kenny, | Mr. Renwick, |
| Mr. Carr, | Mr. Lathrop, | Mr. Sanborn, |
| Mr. Castle, | Mr. McDonald, | Mr. Sprague, |
| Mr. Cook, | Mr. Miller, | Mr. Speaker, |
| Mr. Foote, | | |

19

NAYS.

| | | |
|-----------------|---------------|----------------|
| Mr. Bell, | Mr. Stockton, | Mr. Underwood, |
| Mr. Gregory, | Mr. Tucker, | Mr. Walker, |
| Mr. Hammond, | Mr. Turner, | Mr. Williams, |
| Mr. McClelland, | | |

10

The question recurring upon Mr. Miller's motion,

Mr. Tucker moved to amend the same by striking out "four hours," and inserting in lieu thereof, "eight months."

Mr. Hammond moved that the House adjourn, *sine die*; which motion was negatived, by the following vote:

YEAS.

| | | |
|-----------------|---------------|----------------|
| Mr. Bell, | Mr. Steele, | Mr. Underwood, |
| Mr. Dunham, | Mr. Stockton, | Mr. Walker, |
| Mr. Hammond, | Mr. Turner, | Mr. Williams, |
| Mr. McClelland, | | |

10

NAYS.

| | | |
|-------------|---------------|-----------------|
| Mr. Ashman, | Mr. Gregory, | Mr. Miller, |
| Mr. Backus, | Mr. Hart, | Mr. McReynolds, |
| Mr. Bird, | Mr. Harbaugh, | Mr. Pierce, |
| Mr. Carr, | Mr. Johnson, | Mr. Renwick, |
| Mr. Castle, | Mr. Lathrop, | Mr. Sanborn, |
| Mr. Cook, | Mr. McDonald, | Mr. Speaker, |
| Mr. Foote, | | |

19

The question recurring upon Mr. Tucker's motion, the same did not prevail.

The Speaker resumed the chair.

On motion of Mr. Sanborn, a call of the House was ordered, and a quorum not being present,

On motion of Mr. Tucker, the sergeant-at-arms was directed to bring in the absentees.

Several absent members appeared and took their seats, and a quorum then being present,

On motion of Mr. McClelland, the further proceedings, under the call, were dispensed with.

Mr. Turner asked leave of absence for himself during the remainder of the session; which the House refused to grant, by the following vote:

YEAS.

Mr. Ashman,
Mr. Barbour,
Mr. Bird,
Mr. Carr,

Mr. Dunham,
Mr. Kenny,
Mr. Lathrop,

Mr. McReynolds,
Mr. Walker,
Mr. Williams,

10

NAYS.

Mr. Backus,
Mr. Bell,
Mr. Castle,
Mr. Foote,
Mr. Hammond,
Mr. Hart,

Mr. Harbaugh,
Mr. Johnson,
Mr. McClelland,
Mr. McDonald,
Mr. Miller,
Mr. Pierce,

Mr. Renwick,
Mr. Sanborn,
Mr. Sprague,
Mr. Tucker,
Mr. Underwood,
Mr. Speaker, 18

The question then recurring upon the motion of Mr. Miller, to take a recess for four hours,

On motion of Mr. Renwick,

The same was amended, by striking out "four," and inserting in lieu thereof, "three;" and the House accordingly took a recess.

After the lapse of three hours, the House resumed its session; and a quorum being present,

On motion of Mr. Tucker,

A committee of three was appointed, consisting of Messrs. Tucker, Barbour and McClelland, to inform the Senate that the House was now ready to adjourn.

After a short absence, the committee returned and reported to the House that the Senate had adjourned, *sine die*.

On motion of Mr. McClelland, the House then adjourned, *sine die*.

the first of these is the fact that the
the second is the fact that the
the third is the fact that the
the fourth is the fact that the
the fifth is the fact that the

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- Bill to provide for the election of Senators for this state in the Senate of the United States, &c.—Mr. Backus, 34, 45, 46, 48, 50, 57, 60, 70—Approved Jan. 18, 1840.
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- Bill for the relief of the township of Lebanon, Clinton county—Mr. Hammond, 154, 180, 187, 198, 200, 266—Approved Feb. 5, 1840.
- Bill to provide for the vacation of the present seat of justice of Van Buren county, and to re-locate the same in the village of Paw Paw, in said county—Mr. Champlin, 154, 188, 196, 328, 366, 394—Approved March 8, 1840.
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- Bill to remise, release and forever quit claim all the right, title and interest of the people of the state of Michigan to lot No. 38, in section No. 6, in the city of Detroit, state of Michigan, unto Emily Allen and Margaret Goodall—Mr. Backus, 227, 352, 540, 541, 578 605—Approved March 6, 1840.
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- Bill for the relief of the county of Ottawa—Mr. Bell, 478, 519, 589, 604, 646—Approved March 30, 1840.
- Bill to incorporate the Adrian young men's literary association—Mr. Underwood, 476, 488, 575, 621, 648, 689—Approved March 31, 1840.
- Bill to alter the west line of the town of Cottrelville, in the county of St. Clair, and for other purposes—Mr. Champlin, 490, 519, 587, 599, 604, 633—Approved March 28, 1840.
- Bill to provide for laying out and establishing certain state roads, &c.—Mr. Larue, 498, 500, 581, 582, 542, 577, 578, 628, 679, 702—Approved April 1, 1840.
- Bill concerning bail—Mr. Backus, 539, 574, 628, 642, 689—Approved March 31, 1840.
- Bill to amend an act entitled "an act to regulate terms of the supreme and circuit courts," &c.—Mr. McReynolds, 573, 597, 623, 624, 639, 640, 682, 692, 702—Approved April 1, 1840.
- Bill relative to the election of justices of the peace in

- the township of Monroe, &c.—Mr. McClelland, 583, 585, 621, 622, 648, 675—Approved March 31, 1840.
- Bill to amend an act entitled "an act relative to highways"—Mr. Hammond, 587, 606, 642, 679 702—Approved April 1, 1840.
- Bill supplementary to "an act to amend 'an act to provide for the government and discipline of the state prison,' approved March 25, 1840"—Mr. Lathrop, 598, 577, 605, 627, 631, 637, 647, 675—Approved March 30, 1840.
- Bill to provide for the payment of the amounts due the several counties on account of delinquent taxes—608, 635, 647—Approved March 30, 1840.
- Bill to provide for the payment of certain claims—Mr. Barbour, 631, 656, 666, 667, 668, 669, 670, 671, 672, 676, 703, 719, 731—Approved April 1, 1840.
- Bill relative to justices of the peace—Mr. McClelland, 635, 673, 692, 702—Approved April 1, 1840.
- Bill making appropriations for continuing the building of the state prison for the year 1840—Mr. Lathrop, 646, 649, 650, 650, 669, 719, 731—Approved April 1, 1840.

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| Bill to authorize the board of commissioners of internal improvement to loan to the Ypsilanti and Monroe railroad company a certain amount of railroad iron—Mr. Champlin, | 596, 618, 619, 623 |
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